STATUTA ECCLESIAE SCOTICANAE.

Concilia Scotiae

ECCLESIAE SCOTICANAE

STATUTA TAM PROVINCIALIA QUAM SYNODALIA

QUAE SUPERSUNT

MCCXXV—MDLIX

TOMUS SECUNDUS

EDINBURGI MDCCCLXVI

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This rubric is preserved in the Excerpta Quedam de Magno Registro Prioratus S. Andree, printed in the Regist. Priorat. S. Andree, p. xxxvi. no. 19.

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ECCLESIAE SCOTICANAE.

STATUTA ECCLESIAE SCOTICANAE.

Bulla Pape Honorij de concilio prouinciali celebrando in Scotia ·

[i.] Honorius epifcopus feruus feruorum Dei venerabilibus fratribus vniuerfis epifcopis regni Scotie falutem et Apoftolicam benedictionem · Quidam veftrum nuper auribus noftris intimauerunt quod cum non haberetis Archiepifcopum cuius auctoritate poffitis Concilium Prouinciale celebrare contingit in regno Scotie quod eft a Sede Apoftolica tam remotum ftatuta necgligi Concilij Generalis et enormia plurima committi que remanent impunita · Cum autem Prouincialia Concilia omitti non debeant · in quibus de corrigendis exceffibus et moribus reformandis diligens eft adhibendus cum Dei timore tractatus · ac canonice funt relegende regule ac conferuande maxime que in eodem Generali Concilio funt ftatute · per Apoftolica vobis fcripta mandamus quatenus cum Metropolitanum nofcamini non habere auctoritate noftra Prouinciale Concilium celebretis · Datum apud Tyberym · xiiij · Kalendas Junij · pontificatus noftri anno nono ·

Litera Confervatoris de Concilio Provinciali congregando ·

[ii.] Reverendo in Chrifto patri etc · Domino etc · *Talis* Epifcopus Moravienfis ac Confervator Confilii Scoticani falutem · Tot onera per eos qui poteftatem habere videntur hodie imponuntur ecclefiis in partibus noftris quod facerdotes et poffeffiones eorum in luto et latere ferviunt et tot affliguntur anguftiis quod de amaritudinis calice omnes bibunt · Cupientes

igitur ecclefiam ad folitam et priftinam libertatem reducere et reduci · Provinciale Confilium celebrandum apud Perth in domo Fratrum Predicatorum die Mercurii proximo poft feftum Beati Luce Evangelifte cum continuatione dierum auctoritate Confervatoria prefigimus · eadem auctoritate veftram reverendam paternitatem requirentes et in Domino attentius exhortantes quatenus ibidem dicto [die] cum continuatione dierum cum prelatis veftre diocefis et capitulorum collegiorum et conventuum procuratoribus ydoneis in habitu decenti interfitis ad tractandum fuper reformatione ftatus ecclefie et aliis que funt contraria ecclefiaftice libertati · Nec dubitamus quin etiam modernis temporibus in ecclefia Scoticana jam oppreffa preciofas aliquas fibi Dominus confervaverit margaritas qui diebus Helie feptem millia hominum refervavit qui ante Baal genua non curvarant ·

Modus procedendi in concilio cleri Scoticani ·

[iii.] Primo induantur Epifcopi albis et amictis cappis folempnibus mitris cerothecis habentes in manibus baculos paftorales · Abbates in fuperpellicijs et cappis mitrati cum mitris · Decani et Archidiaconi in fuperpellicijs et almucijs et cappis · Alij vero clerici fint in honefto habitu et decenti · Deinde procedant duo ceroferarij albis et amictis induti cum cereis ardentibus ante dyaconum qui legat Euangelium · Ego sum pastor etc. quem comitetur fubdiaconus et petet dyaconus benedictionem a Conferuatore fi prefens fuerit vel ab antiquiore Epifcopo fi fit abfens · Perlecto Euangelio ofculetur liber a Conferuatore et fingulis Epifcopis · Deinde incipiat Conferuator ymnum Veni Creator · et ad quemlibet verfum incenfetur altare ab Epifcopis · quo facto qui habet dicere fermonem accepta benedictione a Conferuatore incipiat fermonem ad cornu altaris · Finito fermone vocentur citati ad concilium et abfentes puniantur fecundum ftatuta · quibus ftatutis ibidem perlectis in publico excommunicent Epifcopi fecundum ftatuta · habentes finguli in manibus candelas ·

Forma excommunicationis ·

[iv.] Ex auctoritate Dei Patris Omnipotentis et Filij et Spiritus Sancti · nec non et Sancte Dei Genetricis Marie · et Sancti Michaelis Archangeli et Omnium Angelorum et Archangelorum · et Sancti Joannis Baptiste · et omnium Patriarcharum et Prophetarum et Sanctorum Apostolorum et Ewangelistarum Innocentium Martirum Confessorum atque Virginum · et omnium Celestium Virtutum et sanctorum canonum et nostri ministerij · Excommunicamus dampnamus anatematizamus · et a limitibus Sancte matris Dei ecclesie sequestramus · omnes conspiratores contra proprios Episcopos vel alienos regni seu alios prelatos · et omnes conspiratoribus consentientes eo quod omnes tales scismatici sunt et infames · Excommunicamus etiam omnes qui causa matrimoniali vel alia falsum perhibent testimonium scienter exceptiones maliciose opponunt vel opponi procurant vel testes subornant vel id fieri procurant in causa matrimoniali · Excommunicamus omnes illos qui pacem Regis et regni perturbant et omnes illos qui odij vel lucri causa alijs crimina imponunt per que ipsorum fama ledatur aut pro quibus mors vel exilium vel membrorum mutilacio vel exeredacio seu bonorum spoliacio sequi debeat si iudicialiter conuincantur · Excommunicamus omnes detentores decimarum suarum iniuste et omnes illos qui decimas proprias seu alienas preter voluntatem dominorum decimarum ipsarum occupant et detinent violenter seu rectores ecclesiarum vel vicarios aut eorum procuratores quacunque calliditate impediunt vel perturbant quo minus de decimis suis ad suam libere disponere valeant voluntatem · Nec non et vsurarios manifestos · raptores publicos · impedientes testamenta legitime facta · incendiarios · libertatum ecclesiasticarum et immunitatum in terris vel in aquis seu in nemoribus aut pascuis aut quibuscunque alijs rebus perturbatores et violatores · aut eorum auctores consilium auxilium et fauorem eis prestantes · Nec non sorciarias et omnes eas fouentes et protegentes et in suis maleficijs manutenentes ac etiam

cum eis in maleficijs ſuis communicantes · inuaſores et raptores bonorum eccleſiaſticorum ſeu in terris elemoſinatis nonnulla vi preter voluntatem dominorum capientes · exceptis domini Regis et Regine ac filij ſui ſeruitoribus pro eorundem neceſſarijs cum ea alibi inuenire non poterunt accipientibus dummodo iuſtum precium ſoluant pro eiſdem · Maledicti ſint omnes prenotati · maledicti ſint exterius et interius · a planta pedis vſque ad verticem capitis · [Sitque pars et ſocietas eorum] cum Datan et Abiron quos terra viuos obſorbuit · Fiant dies eorum pauci et dominationes eorum accipiant alij · [fiant] filij eorum orphani · et ſicut hec lucerna in preſenti extinguitur ſic extinguantur lucerne eorum ante Viuentem in ſecula ſeculorum · et demergantur in inferno anime eorum niſi reſipuerint et ad ſatiſſactionem et emendationem venerint · Fiat · fiat · Amen ·

[Excommunicacio generalis quater in anno in eccleſijs ſolemniter publicanda ac fulminanda ·

[v.] Of the autorite of God Almychty Fadyr and Sone and Haly Gaſt · and of the Bliſſyte Virgynne Mary · and of Sanct Michael the Archangel · and of al haly Angelis · and of Sanct Johnne the Baptiſt · and of al Patriarchis · and Prophetis · and of Sanct Petir and Paule Apoſtlis · and Euangeliſtis · and of Sanct Stewyn Martir and of al haly Marthiris · and of Sanct Nicolace and Sanct Ternanne the Confeſſoris · and of al haly Confeſſoris · and of Sanct Kateryne the Virgyne · and of al haly Virgynes · and of al the Sanctis of Hewyne · We curſs waryis and con-
Nota puncta damnes and owtſtekys fra the fredome of Haly Kyrk al conſpiratouris that ryſis aganne thar awne byſchop · or ony othir byſchop of the realme · agane the fredome of Haly Kyrk · Al thaim that beris [fals] wytnes in cauſe of matrimonye or procuris it to be borne · or conſentis or fauoris to thaim · Al thaim that differis or lattis rychtwis airis to bruke thar heritagis · or wittandly makis wrangwis airis or aſſentis to thaim · Al

thaim that gerris ony mann tyne life or lym or honour or gudis · for malice or fede or covatice of gudis · Al fals affyfouris · that for meyd gerris menn tyne gudis lyfis or gude name · Al that ftrublis the Kyngis pece without leyf · Al that puttis fals cryme til ony mann for malice or fede or wynnyng · quharthrou he tynis his life · his gude name · membris of his body · or difherifing · bannefing or fpoliacione of gudis may folow · Al fals teyndaris · and al thaim that haldis or gerris hald thar awne or otheris mennis teyndis ovthir be ftrynth futelte or mycht fra thaim that fulde haue thaim · Al thaim that lettis or gerris let perfonys vicaris or thare deputis to difpone at thair awne wyl · and for to fet thair teyndis quhom to thai lyke · and for thair maift profyte · Al thaim that mynyfis thair teynd for fraude or malice of thaim that aucht to haue it · and al thaim that for fraude of the teynd lefis the ftok vnlaborit · Item al thaim that takis halowit thing out of vnhalowit placis · or vnhalowyt thing out of halowit placis · or halowit thing out of halowit placis · without leif of the hedeman of the place · Item all commone okkeraris · Al thaim that brekis teftament lauchfully maid · Al thaim that byrnis kirkis or howfyis or confentis tharto without leif afkit and obtenit of thaim that has power tharof · Item all thaim that ftrublis the fredome of Haly Kirk · in wod watir or paftur · or confentis tharto · Al wichis and trowaris in thaim · Al commone reifaris and refettaris of thaim · Al commone thefis and refettaris of thaim · Al thaim that puttys violent hand on preift or clerk · bot in thare defens · Al commone fclanderaris · Al thaim that ftrikis fals monee or clippis the Kingis monee without leyff · Al erratikis kyd and kend · Al thaim that caftis thar barnis at kyrk duris or in othir placis to be perift ony maner of way · Al thaim that diftrois barnis confavit betuex mann and woman · be drynkis or ony maner of way · for conceling of fynn · or ony othir thing · All thaim that poifonis mann or woman or purchefis it to be done · Al falfaris of the Papis bullis · All thaim that makis fals charteris to difheris menn of thar landis or gudis · Al thaim that wittandly oifis fals met or mefur · or weicht · to diffayve ony man ·

Al thaim that has bene thris lauchfully monyſt in this kirk and vnamendit · And al conſalaris reſattaris helparis and fauoraris to thame ·

Summa Of the autorite of God Almychty Fadir and Sonn and Haily Gaſt and of the Bliſſit Virgyne Sanct Mary · and of al the Haly Sanctis of Hewyne · We curs wareis and condamnis al thaim that ar fornemmyt · and al thaim that gifis help · conſale · ſupple · reſet · or fauor to thame · Curſit be thai · ſyttand · ſtandand · rydand · gangand · ſlepand · waikand · etand and drinkand · In hows · and owt of hows · Curſit be thai fra the crowne of the hede · to the ſoile of the fute · Caſtyn be thai owt of the duelling place of Criſtin menn · and othir menn bruke thar lordſchip · Na helparis haue thai · Few be thar daies · othir men bruke thar poſſeſſionis · Oute be thai tane of the buke of lyfe · and with rychtwiſs menn be thai nocht wrytyn · thar duelling be with Dathan · and Abyrone · the quhilkis the erde ſwellyit for thar ſynn · And as this candil is caſtyn fra the ſycht of men ſwa be thar ſaules caſtyne fra the ſycht of God into the depaſt pot of hel euer to remane with curſit Nero the wikkyt emperour · and his curſit falowſchip · bot gif thai cum til a mendis eftir thair power · Amen · Et tunc candela vt moris eſt in terram proiecta et extincta · pulſetur campana ·]

Incipiunt statuta generalia ecclesie Scoticane ·

Canones generalium conciliorum · ut Yſodorus ait · a tempore Conſtantini imperatoris ceperunt · quibus ſancta Romana ecclefia · fide Catholica ſuccreſcente · et ſancti patres in concilio Nyceno conuenientes iuxta fidem Ewangelicam et Apoſtolicam certitudinem tradiderunt · inter cetera ſtatuentes · ſicut dicit Beatus Gregorius Papa · quod ſicut Sancti Euuangelij libros quatuor ſic quatuor Concilia ſuſcipere et uenerari · me fateor · Nycenum · ſcilicet · Conſtantinopolitanum · Epheſinum · et Calcidonenſe · in quibus heretice prauitates et fidei Catholice impugnatores confundebantur · et religio Chriſtiana ad laudem Dei · et omnium credencium ſalutem · ſolidum recepit fundamentum · ex quo more · per Catholicorum principum prouincias et regna · ſalubriter inſtitutum eſt · quod ſingulis annis prouincialia concilia · ad decorem domus Dei · et fidem Catholicam firmiter obſeruandam · rite celebrentur · Cui mori felicis recordacionis Honorius Papa · in eccleſia Scoticana · conſenſum adhibuit ſpecialem · in hac forma · *Honorius epiſcopus ſeruus ſeruorum Dei* · *etc* · [*ut ſupra*, *p.* 3.]

[1.] Autoritate igitur Omnipotentis Dei · et ſacrorum canonum · ac ſacroſancte Romane eccleſie · nos prelati Scoticane eccleſie · Concilium Prouinciale · noſtrorum predeceſſorum more celebrantes · et laudabilem conſuetudinem obſeruantes · vnanimi conſenſu ſtatuimus et ordinamus · vt ſingulis annis ſinguli Epiſcopi et Abbates · ac prioratuum Priores · in habitu ſollempni · ad Concilium celebrandum · ad certum diem per Conſeruatorem Concilii ſibi competenter prefigendum · deuote conueniant · vt per triduum · ſi neceſſe fuerit · in eodem Concilio ualeant pro neceſſitatibus diuinis et eccleſiaſticis commorari · et inuocata Spiritus Sancti gracia

ſtatum ecclefiaſticum ibidem ad modum debitum et placentem Deo reformare · Si quis uero eorum canonica prepedicione fuerit impeditus · uice ſua procuratorem ſufficientem ſubſtituat · Non ueniens autem perſonaliter cum uenire poſſit et noluerit autoritate et arbitrio Concilii puniatur ·

Quomodo Conſeruator debeat eligi ·

[2.] Statuimus etiam in primis · vt quolibet anno uerbum predicacionis cuilibet Epiſcoporum vni poſt alterum iniungatur · in proximo Concilio · per ſe uel per alium proponendum · incipiendo ab Epiſcopo Sanc̃ti Andree · et quod vnus Epiſcoporum Conſeruator Statutorum Concilii ordinetur de conſilio reliquorum · qui de Concilio ad Concilium ſuo fungatur officio · ac manifeſtos et notorios eiuſdem Concilii ſeu alicuius ſtatuti in eodem uiolatores puniat · et ad debitam ſatiſfac̃tionem per cenſuram eccleſiaſticam ſecundum iuris exigenciam efficaciter conpellat ·

De fide Catholica ·

[3.] Statuimus ſacri approbacione Concilii · vt prelati maiores et minores fidem Catholicam et Apoſtolicam indubitanter teneant · et ſubditos ſuos vtriuſque ſexus in articulis fidei diligenter inſtruant · monentes et inducentes parochianos ſuos quod ipſi liberis ſuis eandem fidem exponant et eos doceant fidem Chriſtianam obſeruare ·

De sacramentis obſeruandis ·

[4.] Statuimus eciam quod eccleſiaſtica ſacramenta · cum deuota reuerencia · in fide Catholica celebrentur ſub certa forma · a ſanc̃tis patribus et Sacris Scripturis tradita ſub certis uerbis catholice ſcriptis · et quod audeat nullus formam canonicam aut uerba certa in eadem catholice tradita modis aliquibus immutare ·

De ecclefiis edificandis ·

[5.] Statuimus ad hec quod ecclefie · pro modo facultatum ipforum parochianorum · per ipfos parochianos · et cancella earum per ipfos rectores · de lapidibus conftruantur · et poftea confecrentur · et debitis ornamentis · libris · et uafis ornentur · et ad ftatum debitum reformentur ·

De capellis non conftruendis ·

[6.] Item · ftatuimus quod nulla ecclefia uel oratorium fine dyocefani confenfu conftruatur · uel in conftructis fine eiufdem confenfu uel autoritate diuina officia aliqua temeritate celebrentur · quin pocius fecundum facros canones prophanentur · ℂ Et quia prefens ftatutum minus plene in multis locis inuenimus obferuatum ftatuimus vt quilibet noftrum in fua dyocefi diligenter inquirat quo iure et qua autoritate fuerint conftructe · quod fi minus racionabiliter conftructe fuerint · uel etiam in pofterum conftruantur · fecundum inftituta canonica fint fufpenfe · Prouifo ut cuiufcunque auctoritate conftructe fuerint capelle quecunque indempnitati in omnibus matricis ecclefie fic profpiciatur vt nullum ei preiudicium generetur · nec de oblationibus a priuilegiatis alicubi aliquid recipiatur nifi fuper hoc priuilegium Ordinario fufficiens exhibeatur · quod fi aliqui contrarium fecerint ipfo iure fint fufpenfi ·

Ne miffe celebrentur in priuatis locis fine licentia Epifcopi ·

[7.] Item non nulli religiofi et etiam alij tam feculares quam ecclefiaftici in priuatis et inhoneftis locis fibi faciunt diuina celebrari immo potius in fcandalum totius ecclefie prophanari vbi frequentius fpurcitie peccatorum committuntur et animalia bruta commorantur nulla petita licentia vel optenta a locorum Ordinarijs aut aliqua auctoritate exhibita · qua propter

ne decetero huiusmodi fiant sub pena suspensionis in personas et interdicti in eadem loca et etiam excommunicationis si taliter delinquentes competenter moniti ab huiusmodi presumptionibus non destiterint firmiter inhibemus · volentes et statuentes quod rectores ecclesiarum parochialium et vicarij earundem nec non etiam parochiales presbyteri huiusmodi sententias auctoritate Concilij valeant in suis parochijs exsecutioni debite demandare ·

De honestate clericorum ·

[8.] Statuimus etiam quod quelibet ecclesia parochialis suum proprium habeat rectorem aut vicarium qui debitam curam animarum per se aut per alium ydoneum ministrum de licentia sui Dyocesani valeat exercere . et quod ijdem mundam et honestam ducant vitam alioquin canonice subiaceant vltioni ·

Quod vicarij sufficientem habeant sustentacionem ·

[9.] Statuimus ad hec quod vicarii ecclesiarum sufficientem et honestam habeant sustentacionem de prouentibus ecclesiarum quoniam qui altaribus deseruiunt de ipsis et ecclesie prouentibus viuere debent · Ita tamen quod porcio vicarii pura libera omnibus oneribus deductis ad minus estimationem decem marcarum attingat si ad hoc suppetant ecclesie facultates · Prouiso quod in pinguioribus ecclesijs secundum modum facultatum et onera eisdem incumbencia sufficientes porciones vicariis assignentur ·

De ornatu clericorum ·

[10.] Ad hec statuimus quod rectores et vicarii ecclesiarum · et etiam in dignitatibus constituti · ac sacerdotes et clerici infra sacros ordines · tam in statu mentis quam in habitu corporis decenter induantur · Rubeis pannis siue viridibus seu virgatis non vtantur nec etiam pannis qui nimia breuitate notentur · Vicarij quoque et sacerdotes clausa desuper habeant indumenta ·

tonſuram deferant congruentem · ne intuentium · quorum forma et exemplum eſſe debent · offendant aſpectum · Quod ſi ab Ordinarijs moniti emendare noluerint ab officio ſuſpendantur et eccleſiaſticis ſubiaceant diſciplinis ·

Quod nullus ſe intrudat in beneficio eccleſiaſtico ·

[11.] Statuimus etiam quod nullus rector aut vicarius ſine conſenſu Dyoceſani · aut eius Officialis ſuper hoc poteſtatem habentis · in poſſeſſionem eccleſiaſticam intrudatur vel aliquam in eadem excerceat adminiſtrationem · Et qui ſecus fecerit ſecundum canonum ſancita a iure quod ſibi competijt cadere debet · et nichilominus arbitrio Dyoceſani alias legittime puniatur ·

De manſionibus beneficiatorum ·

[12.] Statuimus etiam quod quelibet eccleſia manſionem aliquam prope eccleſiam habeat in qua Epiſcopus ſiue Archidiaconus honeſte recipi valeat · quam decernimus infra annum debere fieri · tam expenſis perſonarum quam vicariorum pro rata ſuarum portionum · Suſtentatio autem domorum ſpectat ad vicarium cum habeat vſum earum et commodum · et ad hoc per ſequeſtrationem fructuum eccleſiarum compellatur ·

Quod noui cenſus non imponantur eccleſie ·

[13.] Statuimus eciam quod noui cenſus eccleſiis aut vicariis non imponantur nec antiqui cenſus augeantur · et ſi ſecus actum fuerit ſecundum Lateranenſe concilium irritentur et delinquentes in talibus prout iuſtum fuerit puniantur ·

De clericis ordinandis ·

[14.] Ad hec ſtatuimus quod nullus Epiſcopus clericos de dyoceſi alterius Epiſcopi ad ordines maxime ſacros ſine litteris Ordinarij ſui vel eius Officialis admittat · Clerici autem tranſſiuntes vel ignoti ad nullum officium eccleſiaſticum ſine certis litteris commendatitijs admittantur · et ſi ſine admiſſione Epiſcopi Officialis vel Archidiachoni in eccleſiis parochialibus ſeu capellis ſe diuinis inmiſcuerint ipſo facto ſint ſuſpenſi ·

[De clericis ad religionem tranſeuntibus ·]

[15.] Statuimus ad hec quod quilibet ſacerdos ſeu clericus ad religionem tranſſiens habeat annuale ſuum ſicut et alii qui in Domino moriuntur ·

De confeſſoribus conſtituendis ·

[16.] Quod in quodam Concilio ſtatutum eſt approbantes ſtatuimus vt per quoſlibet decanatus prudentes viri et fideles conſtituantur per Epiſcopum confeſſores quibus perſone vicarij et minores clerici valeant confiteri qui Decanis forſitan erubeſcunt confiteri et verentur · In eccleſiis vero cathedralibus confeſſores inſtitui precipimus generales ·

De locato et conducto ·

[17.] Cum laicis dari eccleſias ad firmam ſit penitus inhoneſtum et clericis quibuſcunque ad longum tempus propter continuationem temporis que conſueuit afferre periculum eccleſijs poſſet eſſe dampnoſum · vtrumque diſtrictius inhibentes ſtatuimus vt nec laycis vnquam nec perſonis eccleſiaſticis etiam vltra quinquennium ad firmam conferantur · nec eo [quinquennio] finito renouentur eiſdem niſi prius ipſas alij habuerint

mediate · Saluis conceffionibus religioforum fuper garbis eis in proprios vfus conceffis · Et vt omnia fint in tuto precipimus vt prefentibus Epifcopis vel Archidyaconis firmarum fiat conuentio ex qua plures littere fcribantur quarum vna maneat penes Epifcopum vel penes Archidiaconum ·

De cohabitatione clericorum et mulierum ·

[18.] Licet ad profugandum a laribus ecclefie putridum illud turpi[tu]dinis libidinofe contagium · quo decor ecclefie turpiter maculatur · ftuduerint femper ecclefiaftici rectores · ipfum tamen improbitatis tante exiftit vt femper fe ingerat impudenter · Nolentes igitur tantam ecclefie ignominiam conniuentibus oculis preterire incorrectam · ftatuta Romanorum pontificum et maxime decretales Alexandri Pape fuper hoc editas exequendo · ftatuimus et ftatuendo precipimus vt nifi clerici et maxime in facris ordinibus conftituti qui in fuis domibus vel alienis detinent publice concubinas eas prorfus a fe remoueant infra menfem · ipfas vel alias de cetero nullatenus detenturi · ab officio et beneficio fint fufpenfi · Ita quod vfquequo fuper hoc digne fatiffecerint de beneficijs ecclefiafticis fe nullatenus intromittant · alioquin ipfo iure eos decernimus fore priuatos · Volumus quoque et diftricte precipimus vt Archidiaconi et Decani fuper hoc diligentem fieri faciant inquifitionem per omnes decanatus et quod in hac parte ftatuimus obferuari ·

De rebus ecclefie non alienandis ·

[19.] Statuimus etiam quod ecclefiarum parochialium rectores feu vicarij eafdem ecclefias fibi commiffas nullatenus obligare valeant · nec fructus earum ad vlteriora tempora vendere aut quibuflibet modis alienare nifi quatenus ad eofdem rectores pro fe viuentibus aut fuo annuali poterint pertinere · ne per obligationes et alienationes huiufmodi ecclefijs ipfis et

earum patronis aut earum rectorum fuccefforibus dampnum aut iniuria generetur ·

Item de eodem ·

[20.] Statuimus etiam quod nullus rector aut vicarius parochialis ecclefie decimas aliquas aut prouentus alios ecclefiafticos perfonis coniunctis aut extraneis prefertim laicis etiam ad fuum perpetuum quoad concedentes aut recipientes vixerint dare valeant vendere vel quomodolibet alienare · Et fi quid contra prefumptum fuerit irritum fit et inane · et quod fic alienatum fuerit ad ius et proprietatem fue ecclefie integraliter reuertetur ·

Item de eodem ·

[21.] Adicimus etiam quod nullus rector aut vicarius decimarum feu aliorum prouentuum ecclefiafticorum per vnius anni fpatium antequam eedem decime feu prouentus percipi debeant venditionem obligationem feu aliquam aliam alienationem anticipare prefumat · Et fi fecus prefumptum fuerit hijdem contractus omni careant firmitate · quoniam per contractus huiufmodi ecclefie leduntur rectores et vicarij depauperantur · vendentes etiam plerumque fuis precijs defraudantur · iura etiam ordinariorum quandoque deferuntur vel penitus eneruantur ·

Ne clerici vel monachi fe negotijs immifceant ·

[22.] Cum iure diuino et humano caueatur quod nemo militans Deo implicet fe negocijs fecularibus · ftatuimus quod nemo religiofus aut facerdotes ve clerici fanctis ecclefijs aftricti actores vel adminiftratores fecularium perfonarum in negocijs fecularibus fiant · vel adminiftrationes ab eis rerum feu negotiorum fecularium fufcipiant per quas ad ratiocinia teneantur ·

ne et ipſi in ſcandalum eccleſie per ſecularem potentiam grauiter opprimantur et eccleſie ſibi commiſſe ex hoc enormiter ledantur · Quare ſi aliqui aduerſus hoc impoſterum venire preſumpſerint ab eccleſiaſtico miniſterio fiant alieni pro eo quod clericali officio neglecto fluctibus ſeculi vel poteſtatibus ſecularibus ſe immixerunt ·

Item de eodem ·

[23.] Item ſalubri prouiſione decreuimus vt clerici beneficiati de cetero domos aut poſſeſſiones laicas ad opus concubinarum et filiorum ſuorum emere non preſumant · nec etiam ad opus eorum domos conſtruant in feodo laicali · ſet nec etiam pecuniam miniſtrent ad huiuſmodi emenda ad opus illorum · vt ſic eis ſubtrahatur occaſio malignandi · Si quis ſuper hoc habeatur iuſta ratione ſuſpectus niſi ad arbitrium ſuperioris ſe purgauerit ipſius arbitrio puniatur · Preterea · licet teſtamenta legittima clericorum beneficiatorum decedentium volumus obſeruari · nolumus tamen quod concubinis aliquid in teſtamento relinquant · quod ſi de cetero factum fuerit totum illud in vſum eccleſie quam rexit defunctus Epiſcopi arbitrio conuertatur ·

De interdicto ·

[24.] Item ſtatuimus vt cum indultum ſit Hoſpitalarijs ac alijs religioſis quibuſdam ab Apoſtolica Sede · vt in ipſorum iocundo aduentu ad loca interdicta pro ſuis confratrijs ſeu elemoſinis fidelium colligendis ſemel in anno loca iſta debeant aperiri · quod ad diuinorum celebrationem in locis huiuſmodi nominatim excommunicati nullatenus admittantur · et ipſi precipue qui cauſam de teſtamentis dederunt interdicto · Prohibemus etiam quod huiuſmodi exempti funera nominatim excommunicatorum aut publicorum predonum aut violatorum eccleſiarum et aliorum locorum · cum quibus viuis non communicauit eccleſia · eccleſiaſtice ſepulture tradere non preſumant ·

Si vero in aliquo contra premiſſa venire preſumpſerint priuilegiorum huiuſmodi ipſos fore decreuimus abuſores · ipſos quoque ad eccleſias illas nullatenus admittendos donec ſatiſfactionem ydoneam preſtiterint de offenſa · et quod a loco ſacro extrahantur corpora ſic ſepulta ·

De teſtamentis et vltimis voluntatibus ·

[25.] Statuimus ut cum de bonis in teſtamento cuiuſcunque relictis Ordinarijs locorum certa fuerit ratio facienda · quia Ciſtercienſes · et alii exempti · ad huiuſmodi racionem reddendam nullatenus compelli poſſunt · vt dicunt · quod religioſi huiuſmodi executores nullo modo conſtituantur nec in aliquo bona defunctorum adminiſtrent · quod ſi fuerint conſtituti pro non conſtitutis penitus habeantur ·

De immunitate eccleſiarum ·

[26.] Statuimus etiam quod fugientes ad eccleſiam defendantur ab eadem · niſi fuerint nocturni depopulatores agrorum · aut publici et notorij predones viarum publicarum · aut manifeſti violatores vel fractores eccleſiarum · ſeu a canone vel ab homine excommunicati · In quibus caſibus adhuc ſunt tuendi · donec Dyoceſanus · vel eius Officialis · pronunciauerit ſententialiter eos ab eccleſia non eſſe defendendos ·

Item de eodem ·

[27.] Adicientes quod nullus preſbyter ſeu vicarius · ſeu aliquis alius clericus · aliquem Cruce ſignatum · ſeu clericum captum pro homicidio preda vel latrocinio · maxime ſi ſuper hijs maleficijs fuerint defamati · de manibus balliuorum laicorum requirat ſine iuſſu vel conſcientia Epiſcopi Archidiaconi vel Decani loci illius vbi fuerit requirendus · Prohibemus etiam ne laicus fideiuſſor inveniatur apud balliuum laicum pro talium captorum

deliberatione · ſtatuentes quod detentores talium priuilegi[at]orum · poſtquam canonice fuerint moniti et requiſiti · ad deliberationem eorundem per cenſuram eccleſiaſticam compellantur · etc · etc ·

De eodem ·

[28.] Statuimus etiam clericos in quolibet ordine ab eccleſia eſſe defendendos donec exigente iuſticia propter immanitatem criminum a ſuſceptis ordinibus rite degradentur · Et ne maleficia tranſeant impunita in maleficijs deprehenſi aut manifeſti conuicti arcte cuſtodie carceris dyoceſani · quem quilibet Epiſcopus habere tenetur · tales clerici commendentur · ac pane doloris et aqua tribulationis ibidem ſuſtententur · ne fame vel ſiti in carcere ſuffocentur ·

De ferijs ·

[29.] Statuimus etiam quod de cetero placita ſecularia in diebus Dominicis ac in alijs feſtiuitatibus ſolempnibus minime teneantur · neque in eccleſijs · cimiterijs · aut alijs locis Deo dedicatis · talia placita · et maxime cauſe ſanguinum aut criminales · per quoſcunque iudices ſeculares locis aut temporibus predictis agitentur ·

Vt libertates eccleſie ſine diminutione conſeruentur ·

[30.] Statuimus etiam quod nulli permittatur violare aut diminuere libertates ſeu immunitates et conſuetudines rationabiles rerum aut perſonarum eccleſiaſticarum hactenus obſeruatas ac diuino iure vel humano ſalubriter et rationabiliter introductas ·

De Cruce fignatis ab ecclefia defendendis ·

[31.] Statuimus etiam auctoritate Concilij Lateranenfis quod Cruce fignati rite ab ecclefia tuendi funt · nifi propter fuorum fcelerum immanitatem ab ecclefiaftica defenfione fuerint fequeftrati · Et fuper hoc iuftum iudicium Dyocefani modis omnibus expectetur ·

Quod nami non capiantur per laicos in terris ecclefiafticis ·

[32.] Statuimus etiam quod nullus vicecomes · balliuus · vel quicumque laicus · namum capiat vel capi faciat in foro aliquo · vel extra forum · de rebus clerici · vel etiam laici manentis in terris ecclefiarum · vel etiam ad uendendum compellant · fub eftimacione que *forlereÿ* uulgariter dicitur · Quod fi fecus actum fuerit · fi capiens vel capi faciens admonitus res taliter captas aut uenditas· infra terminum fibi ftatutum · non reftituerit et etiam de iniuria fatiffacere contempferit · per excommunicationis fiue interdicti fentenciam · fecundum quod uidebitur expedire · fine more difpendio coherceatur ·

Quod clericus non trahatur ad forum feculare ·

[33.] Statuimus etiam quod fi ecclefiaftica perfona contra aliam perfonam ecclefiafticam moueat queftionem perfonalem · aut etiam realem · fuper rebus aut aliquibus bonis ecclefiafticis · eam coram iudice ecclefiaftico profequatur · fuper hiis aduerfarium fuum nullatenus ad forum uetitum pertrahendo · Quod fi aliter ab aliquo prefumptum fuerit · fi canonice monitus non deftiterit · actor a iure fiquid fibi competat cadat · reus fi confenciat pro conuicto habeatur · Et nichilominus fi vlterius perfeuerent · et penas predictas contempnant · fecundum facros canones et auctoritate Concilij excommunicati publice denuncientur · ℭ Ad hec cum inuafores ac perturbatores immunitatum · libertatum · et poffeffionum ecclefiafti-

carum · nec non eciam et perturbantes pacem · per aliquas fraudes odia vel machinationes · per latam ſententiam a canone ipſo facto ſint excommunicati · auctoritate eorundem canonum et Concilij decreuimus eos debere excommunicatos publice denunciari ·

De decimis et primicijs ·

[34.] Statuimus · ſecundum diuine legis et humane precepta · quod decime de omnibus que innouantur · videlicet · de blado · feno · lino · de ortis · de molendinis · de piſcariis · de fetibus animalium · lana · lacte · caſeis quocunque tempore fiant · butiro · pullis · ouis · petariis · ſilua cedua · de fructibus arborum · negociacione · venacione · aucupacione · et aliis huiuſmodi · integre perſoluantur illis ad quos pertinere noſcuntur · eciam ſi de aliquibus huiuſmodi decime antea non fuerint perſolute ·

De decimis ortorum ·

[35.] Ad hec decreuimus quod decime ortorum in ciuitatibus · et burgis · ad quamcunque culturam redigantur · ad uicariam pertineant · Decime uero ortorum in uillis pro qua parte fuerint ad culturam ſegetis redacti ad perſonam pertineant · et pro alia parte ad vicarium · Linum uero ubicunque ſeminetur ad uicarium pertineat ·

De decimis vaccarum ·

[36.] Item de vaccis fetis ſtatuimus · vt · ſi de earum lacte non fiat caſeus vel butirum · pro vacca tres denarij per annum · et pro uitulo eius vnus denarius eodem anno pro decimis exigantur ·

De decimis ouium ·

[37.] Item de ouibus ſtatuimus quod ſi oues vel etiam cetera animalia in diuerſis parochiis excreuerint per diuerſa tempora · quelibet eccleſia pro rata temporis decimas percipiat · dum tamen per menſem integrum ad minus in aliqua parochia ſteterint · Minoris autem temporis nulla ratio habeatur · Fructus autem toto tempore quo curantur · non quo percipiuntur · accipere debemus · et hoc ipſum inter epiſcopatus obſeruetur ·

De eodem ·

[38.] Item ſtatuimus ſi parochianus alicuius eccleſie per menſem uel ultra propter herbam cum ſuis aueriis in aliqua parochia commoretur · idem quod ſupra dictum eſt de ouibus obſeruetur ·

[De eodem ·]

[39.] Statuimus quod ſi quis moretur in una parochia et emerit oves matrices in alia parochia et eas ſibi in alia parochia receperit in qua moram traxerit cum omnibus fructibus illarum videlicet lana agnis et lacte · integram decimam earum ſolvat eccleſie ſue matrici · et ille vicarius computet cum vicario de cujus parochia recepte ſunt et ſibi ſatiſfactionem faciat communicatis menſibus · et ſi contra fecerit per cenſuram eccleſiaſticam coarceatur ·

De animalibus que cubant in vna parochia et paſcuntur in alia ·

[40.] Item ſtatuimus quod animalium que cubant in una parochia et paſcuntur in alia per totum annum decime diuidantur equaliter · Si autem communiter paſcuntur in utraque parochia et cubant tantum in una · illa in qua

cubant tres partes percipiat · et quarta pars remaneat ecclesie in cuius parochia pascuntur ·

De decima feni et molendinorum ·

[41.] Item statuimus de decimis feni et molendinorum quod integre persoluantur · quas qui soluere noluerit post trinam ammonicionem excommunicetur ·

De mercenarijs ·

[42.] Item statuimus quod sufficiat a mercenariis qui operas suas locant pro dimidia marca et infra exigere tres oblaciones per annum pro decima mercedis quam recipiunt ·

De decima piscationum ·

[43.] Item de decimis piscatorum statuimus quod nulla persona · uel uicarius · ab alienis parochianis decimas piscacionum exigere presumat · nisi quam diu in sua parochia domos conduxerint uel mansiunculas ad inhabitandum fecerint uel ex mutuo seu commodato habuerint · nisi secus ecclesiarum aliqua legitima prescripsione fuerit munita ·

Casus in quibus excommunicantur qui perturbant viros ecclesiasticos seu eorum procuratores ne faciant commodum suum de decimis suis ·

[44.] Item statuimus ne aduocati ecclesiarum seu quilibet laici inpediant · uel prohibeant · aut aliquo modo compellant · personas · uel uicarios · seu procuratores eorum quominus de decimis suis seu dominorum suorum libere ualeant disponere · uendere · uel alienare quocunque modo uoluerint · nec eciam suis uel alienis hominibus prohibeant ne decimas emant

ſeu eciam alias obuenciones · nec eciam clericis aliquod impedimentum preſtent quo minus ad opus proprium eas colligant · et pro arbitrio ſuo de eis diſponant · Quod ſi quis contrafacere preſumpſerit · uel aliquo modo in fraudem eccleſiaſtice libertatis · et ſacrorum canonum · machinatus fuerit · autoritate Concilii Generalis excommunicetur ·

De hiis qui proiciunt decimas in agris ·

[45.] Item ſtatuimus quod quicumque filii perdicionis decimas furtiue ſubripuerint · vi aut clam occupauerint · aut decimas ſegetum ſectas in agris reliquerint · aut per agros proiecerint · et ad horrea ſecundum racionabiles et antiquas conſuetudines deferre contempſerint · eccleſiaſtica cenſura ad ſatiſfaciendum Deo · et eccleſie · ac clericis leſis ſeu dampnificatis · legitime compellantur ·

De eodem ·

[46.] Ad hec ſtatuimus quod iſte ſentencie · in ſingulis eccleſiis ſingularum dyoceſum ad nos ſpectancium · per tres dies ſollempnes ſingulis annis publicentur ·

De conſpiratoribus ·

[47.] Excommunicamus eciam omnes conſpiratores contra proprios Epiſcopos · uel alienos regni · ſeu alios prelatos · et omnes conſpiratoribus conſencientes · eo quod omnes tales ſciſmatici et infames ſunt ·

De obediencia clericorum ·

[48.] Quoniam *melior eſt obediencia quam uictima* et contumacia ſeu inobediencia peccato arriolandi et idolatrie comparatur · ſtatuimus quod omnes

ecclefiaftici uiri fuis Dyocefanis · Archidiaconis · Decanis · in mandatis licitis et canonicis · contumaciter et fine manifefta caufa racionabili refiftentes · ab officio fufpendantur · et crefcente contumacia pene maiori fubdantur ·

De Queftionarijs · quod non nifi femel in anno admittantur ·

[49.] Quoniam quidam Queftionarii uarijs illufionibus animas fimplicis populi feducunt · ftatuimus quod cum aliquis Queftionarius ad aliquam ecclefiam acceflerit · miniftrans in eadem ecclefia eodem die negocium dicti Queftionarii parochianis fuis reuerenter exponat · fecundum quod in literis Domini Pape et Ordinarii continetur · ita quod dictarum literarum tenorem nullatenus excedat · Ad alium autem diem infra annum illum eundem Queftionarium in eadem ecclefia pro eodem negocio nullo modo admittat · ℭ Ad hoc ftatuimus firmiter obferuandum quod a principio Quadragefime vfque ad octauas Pafche negocium fabrice Glafguenfis ecclefie omnibus diebus Dominicis et feftivis fideliter et diligenter in fingulis ecclefijs poft Euangelium Miffe parochianis exponatur · et indulgentia eidem fabrice fubuenientibus conceffa · quam in qualibet ecclefia fcriptam effe precipimus · aperte et diftincte eifdem parochianis vulgariter dicatur · et elemofine eorundem ac bona decedentium ab inteftato · ac etiam pie legata · fecundum confuetudinem hactenus approbatam · fideliter colligantur · et Decanis locorum in proximis capitulis fine diminutione affignentur · Et infra dictum terminum nullus queftionem pro negocijs alijs in ecclefijs parochialibus admittat ·

Quod excommunicati fint fubuertentes libertatem ecclefie ·

[50.] De prelatis et clericis ftipendiis ecclefie militantibus · qui contra canonicas fanctiones · et libertates ecclefiafticas · et confuetudines ecclefie Scoticane hactenus obtentas · confilium et auxilium laicis inpendunt · et maxime de

eis qui literas dictant · scribunt · et consignant · seu statuta condunt · per que iura et statuta · seu libertates ecclesie · et consuetudines huiusmodi possunt subuerti · et de aliis · scilicet · statu[t]ariis · et consiliariis · et eorum fautoribus · statuendo decreuimus quod · quia omnes tales in canonem late sentencie incidunt · pro excommunicatis publice denuncientur · ℭ Si quis uero beneficiatus in posterum super aliquo premissorum fuerit conuictus · auctoritate istius statuti nouerit se beneficio suo fore priuatum · Si preditus dignitate · uel prelatura aliqua · huiusmodi attemptare presumpserit · omni dignitate careat et honore · Si laicus · et ab ecclesia feodatus · feodo suo priuetur · Si clericus huiusmodi facere presumat · et postea ad beneficium ecclesiasticum fuerit presentatus · nullatenus admittatur · nisi prius coram loci Dyocesano suam super hoc canonice purgauerit innocenciam ·

Infrascripti excommunicandi sunt quater in anno ·

[51.] Item statuimus quod in singulis ecclesiis · tam militum quam aliorum · quater in anno · in proximis Dominicis post obseruacionem Quatuor Temporum · excommunicentur in genere · sortilegi · venefici · incendiarii · ecclesiarum fractores · falsarii · usurarii manifesti · et scienter impedientes testamenta legitime facta · et eciam omnes impedientes Ordinarios quo minus de bonis ipsorum decedencium ab intestato secundum consuetudinem ecclesie Scoticane rite ualeant ordinare · laici detinentes inuadentes fraudantes et auferentes possessiones seu alia quecunque iura ecclesiastica et libertates · omnes illi qui in beneficio ecclesiastico se intrudunt · et testes scienter periuri per quos aliquis amittit hereditatem aut beneficium ecclesiasticum seu terrenum · raptores etiam publici et notorij · et omnes scienter receptantes fures vel raptores vt furentur vel rapiant vel [qui] eos manutenent vel pro eis fideiubent cum ex dicta causa querelantur · ℭ Contra latronum et predonum flagicia · quibus nimis habundat regio Scoticana · quod nequaquam esset vt accepimus nisi maiores eos defende-

rent et manutenerent aut pro eifdem fcienter et prudenter fideiuberent · fic duximus ftatuendum vt nemo eos protegat manuteneat feu defendat · vel in domibus teneat vel villis · quos fciuerint vel manifeftum fuerit latrocinium aut predam exercere · Eos autem qui contra fecerint · fi tertio commoniti per ecclefiafticum iudicem ipfos a fe non abiecerint · ecclefiaftice excommunicationi fubiugamus · Monitionem autem volumus et ftatuimus fufficere generalem · etfi fiat alicuius nomine non expreffo · dum tamen ita publice ac folempniter fiat quod ad eorum notitiam valeat peruenire · ℭ Item omnes qui in caufa matrimoniali falfas exceptiones maliciofe opponunt · vel opponi procurant · vel qui in caufa matrimoniali falfum perhibent teftimonium fcienter · vel id fieri procurant · vel teftes fubornant · excommunicationis fentencie fe nofcant fubiacere ·

De eodem ·

[52.] Item excommunicamus omnes illos qui pacem Regis et regni perturbant et omnes illos qui odii vel lucri caufa alijs crimina falfa imponunt pro quibus mors vel exilium vel membrorum mutilatio vel exheredatio feu bonorum fpoliatio fequi debeat fi iudicialiter conuincantur ·

De excommunicato per vnum Epifcopum denunciando per alios et de interdicto promulgando in terras excommunicati fi per quadraginta dies in pertinacia perfeuerauerit et de pena prelatorum ifta non obferuantium ·

[53.] Statuimus etiam quod quociens aliquis ex nobis Epifcopis in aliquem nobis iure dyocefano fubditum fentenciam excommunicationis ob aliquam caufam rationabilem et legittimam promulgauerit · et eandem alicui noftrum demandauerit publicandam et de[nunci]andam · quilibet noftrum eam per fuam dyocefim faciat publicari · et ipfum delinquentem denunciet excommunicatum et eundem tanquam excommunicatum per fe ipfum euitet

et quatenus in ipſo eſt ab alijs faciat euitari · Et ſi talis excommunicatus in ſua pertinacia per quadraginta dies · claues ecclefie contempnendo · animo perſeuerauerit indurato · et idem excommunicator ex tunc terras ipſius excommunicati in dyoceſi ſua ſitas · et loca per que tranſierit et per triduum et amplius in eiſdem fecerit moram · eccleſiaſtico ſuppoſuerit interdicto · et idem interdictum alicui noſtrorum demandauerit publicandum · quilibet noſtrum terras eiuſdem excommunicati in dioceſi ſua ſitas ſimiliter ſupponat interdicto quouſque per eundem excommunicatorem dicte ſententie fuerint relaxate · Loca vero per que talis excommunicatus tranſierit et quamdiu ibi moram fecerit ſimiliter eccleſiaſtico ſupponat interdicto · Vt tamen regie maieſtati debitus honor differatur ſi idem excommunicatus in comitatu domini Regis · vel eciam Regine conſortis · ſeu communis congregationis ipſius regni magnatum · extiterit · tunc Dyoceſanus loci eius · per ſe vel per alium · talem eſſe excommunicatum denunciet · eoſdem canonice inducendo vt ipſum excommunicatum a ſua communione repellant et euitent et a ſuis faciant euitari · Alioquin · cum ſibi videantur fauere qui manifeſto facinori negligunt obuiare · idem locus quo moram fecerit talis excommunicatus per Dioceſanum eccleſiaſtico ſupponatur interdicto · exceptis tamen Regis et Regine liberorumque ſuorum capellis in ſua dignitate feliciter duraturis · Et vt diuinus timor incutiatur fortius obſtinatis ad excommunicatorum inſolentiam reprimendum ſi neceſſe fuerit brachij ſecularis auxilium prout Catholicorum Regum temporibus fieri conſueuit et de iure debuit inuocetur · Et ſi aliquis noſtrum aliqua leuitate ab hac eccleſiaſtica et diuina obſeruatione receſſerit vel in aliquo eam impedierit per ſacri Conſilij deliberationem fratrum ſuorum atque prelatorum conſilijs careat aliorum ·

De pena inceſtus clericorum ·

[54.] Si quis ſacerdos cum filia ſua ſpirituali fornicatus fuerit ſciat ſe graue adulterium commiſiſſe · id circo ſi femina laica ſit omnia derelinquat et

res ſuas pauperibus tribuat et conuerſa in monaſterio Deo vſque ad mortem ſeruiat · Non debet Epiſcopus vel preſbyter commiſceri cum mulieribus que ijs confeſſe ſunt peccata · ſi forte quod abſit ſic contigerit ſic peniteat quomodo et de filia ſua ſpirituali · Epiſcopus annis quindecim preſbyter annis duodecem peniteat · et deponatur tamen ſi in conſcientiam populi venerit ·

Quod abſolutio excommunicationis non ſit extorquenda per laicos ·

[55.] Cum laicis de rebus ſeu perſonis eccleſiaſticis nulla ſit attributa poteſtas diſponendi · quibus obſequendi manet neceſſitas non autoritas imperandi · ad exſtirpandum conſtitutionis vicium quod nuper inoleuit in ſubuerſionem eccleſiaſtice libertatis · per quod gladius ſpiritualis et claues eccleſie gladio materiali ſubjiciantur · duximus ſtatuendum quod nullus qui iuriſdictioni preeſt ſentenciam excommunicationis interdicti ſeu ſuſpenſionis in ſubditos ſuos ex quacunque cauſa latam ad mandatum alicuius ſecularis poteſtatis de cetero preſumat relaxare · Si vero ſecularis poteſtas · in pertinacia ſua perſeuerans · ad relaxandum ſentencias per res eccleſie mobiles aut immobiles ſeu quouis alio modo aliquem compellat · loci Dyoceſanus auctoritate canonis et Concilij puniat huiuſmodi delinquentem ·

De baptiſmo ·

[56.] Quoniam baptiſmus prima tabula eſt poſt naufragium · et magna eſt virtus et efficacia huius ſacramenti cum ab ipſo Deo inſtitutum ſit et eius ſanguine rubricatum · precipimus vt hoc ſacramentum celebretur cum honore et reuerentia et magna cautela maxime in diſtinctione verborum in quibus tota vis huius ſacramenti conſiſtit et ſalus puerorum · Forma autem baptizandi hec eſt · EGO BAPTIZO TE IN NOMINE PATRIS ET FILII ET SPIRITUS SANCTI · AMEN · In Romano vero et etiam Anglico ydiomate ſub eadem forma doceant ſacerdotes frequenter [laicos] et poſſe et debere baptizare pueros in neceſſitate · Et pater et mater baptizent filium ſuum in neceſſitate cum alie deſint perſone et ſine preiudicio matrimonij · Fontes ſub ſera clauſi cuſtodiantur · Criſma ſimiliter et ſacrum oleum et euchariſtia ſub claue cuſtodiantur · Si vero hij ad quos ſpectat cuſtodia ea incaute reliquerint · tribus menſibus ab officio ſuſpendantur · et ſi per eorum incuriam aliquid nepharium inde contigerit · grauiori ſubiaceant vltioni · Baptiſterium habeatur in qualibet eccleſia baptiſmali lapideum vel ligneum competens quod decenter cooperiatur et reuerenter conſeruetur et in alios vſus non conuertatur · Aqua in qua baptizatus fuerit puer vltra ſeptem dies in baptizaterio non ſeruetur · Si vero puer a laico domi baptizatus fuerit aqua propter reuerentiam baptiſmi vel in ignem fundatur vel ad eccleſiam deferatur in baptiſterium fundenda · Item vas illud in quo baptizatus fuerit vel in igne comburatur vel ad vſus eccleſie deputetur · Cum autem laicus in neceſſitate baptizauerit puerum ſacerdos poſtea diligenter inquirat ab eo quid dixerit [et] quid fecerit · et ſi inueniat laicum diſcrete et in forma eccleſie baptizaſſe in quocunque ydiomate approbet factum · Sin autem ipſe ſacerdos baptizet puerum ſic dicendo · N · NON TE BAPTIZO [SI BAPTIZATUS ES] SET SI NON ES BAPTIZATUS BAPTIZO TE IN NOMINE PATRIS ET FILII ET SPIRITUS SANCTI · AMEN · Sub iſta forma

pueri de quibus dubium eſt an ſint baptizati baptizentur · Cum vero a laico baptizatus fuerit infans poſtmodum allato puero ad fores eccleſie ſuppleatur a ſacerdote quod deeſt ſcilicet pa[ul]ulum ſalis et aurium et narium linicio cum ſaliua · exorciſmi etiam dicantur · et ad fontes omnia fiant puero que fieri ſolent ſine immerſione et aque benedictione · Quando autem baptizatus fuerit puer de quo dubium eſt an baptizatus fuerit omnia fiant a ſacerdote dum tamen ante immerſionem dicantur verba ſupradicta NON TE BAPTIZO [ETC.] · Ad leuandum vero puerum de fonte tres ad plus admittantur perſone in baptiſmo · marem duo mares et vna femina ſuſcipiant · femina vero duabus feminis et vno mare ſuſcipiatur · Plures [tamen] tanquam teſtes non tanquam patrini ſi haberi potuerint habeantur propter varias cauſas · Panni autem criſmales non niſi in vſus ornamentorum eccleſie conuertantur · nec ſemel ad eccleſiam cum pueris delati alijs ad baptizandum prece vel precio tradantur · Similiter alia ornamenta eccleſie que pontificalem acceperunt benedictionem nullo modo in prophanos vſus conuertantur · Femine moneantur vt pueros ſuos caute alant et iuxta ſe de nocte non collocent [teneros] ne opprimentur · ſolos in domibus vbi ignis fuerit vel ſolos iuxta aquam non relinquant · et hoc omnibus diebus Dominicis dicatur ·

De ſacramento confirmationis ·

[57.] Quum ſacrament[um] confirmationis ad robur datur pueris ſacerdotes cum audierint aduentum Epiſcopi moneant populum vt deferant pueros ad Epiſcopum confirmandos · Adultus autem ſi tempus habuerit confitendi prius confiteatur quam confirmetur · Hoc etiam laicis intimetur quod contrahitur in hoc ſacramento ſicut in ſacramento baptiſmatis proximitas ſpiritualis inter illos qui ſuſcipiunt pueros et illos quorum ſunt pueri et etiam illorum pueros · Mas vero marem coram Epiſcopo teneat et femina feminam.

De facramento penitentie ·

[58.] Quum remiffionem peccatorum per veram confeffionem confequimur precipimus vt facerdotes in danda penitencia diligenter attendant qua[nt]itatem pe[nitenci]e et qua[li]itatem delicti locum tempus caufam et moram in peccato factam et alias peccati circumftancias · fimiliter deuotionem penitentis et figna contritionis attendant · In audiendo confeffionem facerdos habeat vultum humilem et oculos ad terram demiffos · nec fepius indifcrete faciem refpiciat confitentis et maxime mulieris · et pacienter audiat quicquid dixerit et in fpiritu lenitatis eum fupportet et ei pro poffe perfuadeat [et] plurimis modis quod integre et de omnibus peccatis peniteat et confiteatur aliter vero confeffio non eft vera · P[eccat]a inquirat vfitata fingillatim invfitata autem non nifi a longe [et] per circumftancias vt fic expertis detur materia confitendi et inexpertis nulla detur occafio delinquendi · Perfonarum nomina cum quibus [confitens] peccauerit non inquirat [facerdos] fet per confeffionem poteft inquirere vtrum laicus vel clericus facerdos vel diaconus vel monachus fuerit · Moneantur autem laici in principio Quadragefime confiteri et cito poft lapfus · Precipiat etiam parochianis fuis vt poftquam ad annos difcretionis peruenerint omnia peccata fua femel in anno confiteantur proprio facerdoti vel alteri ad eius licentiam · et reuerenter ad minus in Pafcha euchariftie facramentum percipiant nifi forte de confilio proprij facerdotis ob aliquam rationa[bi]lem caufam ad tempus ab eius perceptione duxerint abftinendum · alioquin et viui ab ingreffu ecclefie arceantur et mortui Chriftiana fepultura careant · Caueat autem facerdos omnino ne verbo aut figno aut aliquo modo peccatorem prodat · et fi prudentiori confilio indiguerit illud abfque expreffione perfone vlla caute inquirat · In dubijs vero femper confultet Epifcopum aut difcretos viros quorum confilio certificatus fecur[i]us valeat foluere vel ligare ·

De facramento Ewkariftie ·

[59.] Excellentiffimum Dominici corporis et fanguinis facramentum cum reuerentia deuotione et honore tractetur · et propter hoc diftricte precipimus quod facerdotes circa ea que ad fubftantiam facramenti corporis et fanguinis Domini [pertinent] fint diligentes prouifuri quod Euchariftia in munda pixide conferuetur · nec vltra feptem dies conferuentur hoftie confecrate fet qualibet die Dominica innouentur ita quod poft receptionem hoftie recenter confecrate ante fumpfionem fanguinis Dominici referuate hoftie a celebrante Miffam fumantur vel aliquo bone confcientie · habeaturque certitudo circa hoftiam confecratam vt non fumatur non confecrata pro confecrata nec confecrata iterum confecretur · Sacerdos autem miniftraturus diligenter confideret vt hoftia de puro frumento fit et integra et integrum habeat circulum et quod maior pars vini et modica aque que a vino obforberi poffit ponantur in calice · Caueat ne vinum fit acetum vel corruptum · Item precipimus vt facerdotes habeant canonem correctum et verba canonis in Miffa rotunde dicantur et diftincte · Omnes hore et omnia officia aperte et diftincte dicantur ita quod de feftinatione nimia verba non precidantur nec cincopentur ·

De celebratione Miffarum ·

[60.] Item in celebratione Miffe hoftiam confecratam pacem daturus facerdos ori fuo non apponat quia ante perceptionem eam ore tangere non debet · Si vero de patena ficut quidem faciunt eam fumat poft celebrationem Miffe tam patenam quam calicem faciat aqua perfundi vel folum calicem fi eam de patena non fumat · Habeatque facerdos iuxta altare pannum mundiffimum alio panno circumdatum vndique [et] honefte ac decenter coopertum in quo poft fumptionem facramenti falutaris digitos cum labijs tergat ablutos · habeatque facra[ri]um fuper fe honeftum operculum · Hoftiam

vero non eleu[et] antequam ista verba predicantur HOC EST CORPUS MEUM · Item si sacerdos necesse habuerit bis in die celebrare [aliquo] casu · quod nisi in die Natiuitatis vel Resurrexionis Dominice vel quando aliquod corpus presens est in ecclesia tumulandum vel aliqua euidens vrgens necessitas fieri prohibemus · post primam celebrationem et corporis et sanguinis sumptionem nihil in calicem fundatur quod a celebrante sumatur sed tantum post celebrationem subsequentem · Post vero [primam] celebrationem diligenter absorbeantur stille de calice et quod fuerit superfluum in calice digitis sumatur ab aliquo bone conscientie vel referuetur in vase mundo ad [id] specialiter deputato et post celebrationem secunde Misse sumatur a sacerdote ·

De custodia Euukaristie et visitatione infirmorum ·

[61.] Hijs addimus etiam quod cum Eukaristia ad egrotum fuerit deferenda habeat sacerdos pixidem mundam in qua sit bursa mundissima et in ea deferat corpus Dominicum ad egrotum lintheo mundo superposito [et] lucerna precedente et tintinnabulo ad cuius sonitum excitetur deuotio fidelium nisi eger fuerit valde remotus · Habeatque sacerdos stolam quamdam quando vadit ad egrotum · et si egrotus remotus non fuerit in superpellicio decenter ad ipsum accedat si aeris temperies patiatur · Habeatque vas argenteum vel stanneum ad hoc specialiter deputatum quod deferat secum ad egrotum vt in eo valeat dare egroto post sumptam Eucharistiam suorum [loturam] digitorum · Deferat autem sacerdos corpus Dominicum ante pectus suum reuerenter ·

De extrema vnctione ·

[62.] Moneant diligenter sacerdotes infirmos parochianos suos a quatuordecim annis et supra ad extremam vnctionem · et omnibus petentibus et penitentibus gratis et libenter exhibeant hoc sacramentum · Item denuncient

eis quod hoc facramentum poteft iterari fcilicet in qualibet infirmitate de qua timetur metus mortis et quod poft hoc facramentum licet conuerti ad opus coniugale et ad alia vt prius licita · Oleum autem infirmorum cum reuerentia deferatur ad infirmos et eos cum honore facerdos vngat et orationum celebritate que ad hoc funt ordinate · et nihil inde nec pro alijs facramentis exigatur ·

De vita et honeftate clericorum ·

[63.] Vt clericorum actus et mores in melius reformentur continenter et cafte viuere ftudeant vniuerfi prefertim in facris ordinibus conftituti ab omni libidinis vicio precauentes · Et crapulis et ebrietate omnes clerici diligenter fe abftineant · Commercia fecularia non exerceant maxime inhonefta · Tabernas euitent prorfus nifi caufa neceffitatis forte in itinere conftituti · Coronam et tonfuram habeant competentem · Sacerdotes deferant cappas claufas nifi iufticia timoris exigerit habitum mutare [vel] tranfformare · ceteri vero clerici in habitu in geftu et in omnibus honefte fe habeant · Ab illis fe perfonis penitus abftineant que in Generali Concilio continentur · Sacerdotibus vero precipue et perfonis fub periculo officij et beneficij diftricte precipimus vt continenter et honefte viuant · concubinas fuas procul expellant et nullam familiaritatem cum eis de cetero habeant nec in domibus proprijs nec alienis nifi velint officijs et beneficijs contra hoc agendo priuari · Aduocatis vero fi fint clerici infra facros [ordines] vel facerdotes in foro feculari nifi proprias caufas perfequantur vel miferabilium perfonarum precipimus vt [non fe immifceant fed] officijs ecclefiafticis diuinis et alijs bonis ftudijs fe exerceant diligenter · Diuinum vero officium nocturnum pariter et diurnum quantum Deus dederit ftudiofe et deuote celebrent · Ad hec precipimus vt quelibet ecclefia habeat calicem argenteum cum vafis decentibus et honeftis · Sindonem mundam et candidam amplitudinis congruentis · lintheamina et omnia alia ornamenta que ad altaris fpectant officium habeant competentia · et libros ad pfallen-

dum ydoneos et legendum et facerdotalia indumenta fufficientia pariter et honefta · Et quia nimis abfurdum eft in facris fordes negligere que dedecerent in prophanis diftricte precipimus quod vafa minifterij et veftimenta miniftrorum et pallia altaris nec non et ipfa corporalia nitida et munda cuftodiantur · ne propter quorundam incuriam vel veftimentorum turpitudinem vel forditatem quibufdam fint horrori · Cereus quoque Pafcalis quolibet anno de noua cera fiat · et cera de qua factus fuerit poft Pentecoften ad ecclefie vfus conuertatur nec inde amoueatur ·

Que relinquenda funt fucceffori ·

[64.] Ad hec facre fynodi approbatione ftatuimus quod fi rector alicuius ecclefie deceflerit et ecclefia fua relicta fuerit fine indumentis facerdotalibus competentibus vel fine libris vel fine vtrifque · vel fi forte domos ecclefie reliquerit dirutas vel ruinofas · de bonis eius ecclefiafticis tanta portio educatur que fufficiat ad reparandum hec et defectus ecclefie fupplendum · Vtenfilia quoque domus fucceffori fuo relinquat ·

Quod noui cenfus non imponantur ecclefie ·

[65.] Sicut in Generali Concilio eft ftatutum firmiter prohibemus ne noui cenfus imponantur ecclefijs · nec veteres augeantur · quodcunque contra hoc actum eft ficut in eodem Concilio cautum eft irritum habeatur · Nouerint etiam prefentati quod de cetero iurabunt quod nec promiffio nec pactio aliqua interfit inter ipfos et prefentatores propter beneficium habendum et maxime de augenda penfione ·

De matrimonio ·

[66.] Quum matrimonium ab ipfo Deo in Paradifo nofcitur inftitutum · et quoad originem primum eft inter alia facramenta · vt liberius et canonice

de cetero contrahatur · precipimus vt nulli detur fides de matrimonio contrahendo nifi coram facerdote et tribus vel quatuor viris fidedignis ad hoc fpecialiter conuocatis · Nullus facerdos prefumat aliquas perfonas matrimonialiter coniungere nifi prius terna denunciatione in ecclefia publice et folempniter premiffa fecundum formam Concilij Generalis ita quod qui voluerit et valuerit legitimum impedimentum opponat · Inhibeant etiam facerdotes fub pena excommunicationis ne quis celet impedimenta matrimonij maliciofe et ne quis maliciofe matrimonium impediat · Ipfe etiam prefbyter nichilominus inueftiget vtrum aliquod impedimentum obfiftat cumque apparuerit probabilis coniectura contra copulam contrahendam contractus interdicatur expreffe donec quid fieri debeat fuper eo manifeftis conftiterit documentis · Clandeftina quoque matrimonia fieri prohibemus inhibentes ne quis facerdos talibus intereffe prefumat et qui contra hoc fecerit canonice puniatur · Denuncient etiam prefbyteri parochianis fuis quod matrimonium prohibitum eft infra quartum gradum confanguinitatis vel affinitatis · vltra quartum gradum legitime contrahitur · Inter compatres et commatres et inter filium et filiam et inter fufceptum et fufceptam et filium et filiam fufcipientis matrimonium interdicimus · Statuimus etiam vt capellani parochianos fuos publice fornicarios ftatim compellant cum fornicarijs fuis contrahere aut eas fimpliciter abiurare nulla conditione adiecta ·

Tuendi funt fugientes ad ecclefiam ·

[67.] Firmiter prohibemus ne quis fugientes ad ecclefiam quos ecclefia debet tueri inde violenter abftrahat aut ipfos circa ecclefiam obfideat vel eifdem fubtrahat victualia ·

Quod honefte feruentur ecclefie ·

[68.] Prohibemus etiam ne choree vel turpes et inhonefti ludi qui ad lafciuiam inuitant in ecclefijs vel cimiterijs fiant · nec caufe feculares maxime in quibus agitur de iudicio fanguinis in eifdem tractentur · Statuimus etiam vt cimiteria per circuitum honefte claudantur ne immundis et brutis animalibus pateat ingreffus · Ecclefie quoque integre et honefte fine ruina cuftodiantur ·

[Infrafcripti] excommunicandi funt quater in anno ·

[69.] Excommunicentur quater in anno per totam dyocefim forciarij et incendiarij manifefti · vfurarij · malefici · raptores publici · maliciofe impedientes teftamenta legittime facta · fcienter periuri per quos aliquis amittit hereditatem [aut] beneficium ecclefiafticum vel terrenum ·

Dande funt decime de omnibus que renouantur ·

[70.] Item decime reddantur de omnibus que renouantur per annum · videlicet · de agricultura negociationibus feno lino lana et lacte · et de prouentibus molendinorum · et de omnibus alijs honeftis fructibus · fecundum confuetudines approbatas hactenus et obtentas ·

Quot collecte dicende funt in Miffis ·

[71.] Sacre synodi approbatione falubriter duximus ftatuendum vt per dyocefim noftram in celebratione Miffarum preter quam in feftis duplicibus dicantur quinque collecte vna de pace ecclefie fcilicet · *Ecclefie tue qu*[*efumu*]*s Domine preces* [*placatus admitte · ut deftructis aduerfitatibus et erroribus vniuerfis · fecura tibi feruiat libertate · Per Dominum etc.*] alia pro

domino noſtro Rege et Regina et eorum filijs ſcilicet · *Deus in cuius manu corda ſunt regum* · [*qui es humilium conſolator · et fidelium fortitudo · et protector omnium in te ſperancium · da Regi noſtro et Regine* [*et eorum liberis*] *populoque Chriſtiano triumphum uirtutis tue ſcienter excolere · ut per te ſemper reparentur ad ueniam · Per Dominum etc.*]

De viſitatione infirmorum ·

[72.] Item cum presbyterum ad infirmum vocari contigerit ſi audita eius confeſſione forte teſtari voluerit ipſum diligenter moneat et inducat vt ſecundum facultates ſuas reſpiciat fabricam eccleſie cathedralis cum ab ipſa parochiales eccleſie documenta ſalutis accipiant · Fiant in huius exſecutione ſtatuti per ſuperiorem prout expedire viderit ·

[De] monitionem faciendo leproſis ·

[73.] Item de hijs qui lepre morbum incurrunt et de conſuetudine generali a communione hominum ſeparantur ſtatuimus vt cum tales ad loca ſe tranſferunt ſolitaria moneantur efficaciter a preſbyteris in eorum receſſu vt parochialem eccleſiam reſpiciant ſecundum ſuarum exigenciam facultatum · ad quod ſi induci nequiuerint nulla eis coactio inferatur · cum afflictis non debeat addi afflixio ſet ipſorum miſerijs ſit pocius miſerendum ·

Quod periuri in matrimoniali cauſa mittendi ſunt ad Epiſcopum ·

[74.] Item ſtatutum a predeceſſore noſtro editum innouando firmiter prohibemus ne preſbyter parochialis aliquem in cauſis matrimonialibus aut alijs ſpontanee peierantem ad confeſſionem ſuſcipiat · ſet omnes tales ad noſtram preſenciam veniant a nobis [penitentiam] recepturi ·

De exequijs mortuorum ·

[75.] Item ad funera et exſequias mortuorum laicorum cantus vel choreas fieri prohibemus · cum non deceat de aliorum fletu ridere ſet ibidem pocius de huiuſmodi ſit dolere ·

Quod lucte et ludi non fiant in eccleſijs nec in cimiterijs ·

[76.] Huic etiam prohibitioni duximus ad[d]endum vt in aliquibus feſtiuitatibus infra eccleſias vel cimiteria lucte vel ludi de cetero fieri non permittantur · et qui ter monitus a ſacerdote loci ab huiuſmodi ceſſare noluerit ingreſſus eccleſie interdicatur eidem · Qui ſuſpenſus a ſua inſolencia non deſtiterit excommunicationis ſentencie innodetur ·

[Sacramentum Euchariſtie non eſt denegandum parochianis ob non ſolutionem decimarum aut oblationum ſuarum ·]

[77.] Item audiuimus a quibuſdam cum in die Paſche fideles Chriſti ſuſcipere debent Euchariſtie ſacramentum quidam preſbyteri · quod dolentes referimus · illud preſtare denegant impudenter niſi prius oblationes ſuas tunc porrigant ad altare · et eodem die exactiones faciunt a laicis corpus Chriſti tenentes in manibus ac ſi dicerent · *Quid mihi vultis dare et ego eum vobis tradam* · Quod amodo fieri prohibemus ſub obteſtatione diuini iudicij diſtrictius · permittentes vt preſbyteri parochianos ſuos tempore congruo ad ſolutionem decimarum et iurium aliorum per cenſuram eccleſiaſticam prima ratione compellant ·

Excommunicandi ſunt qui prohibent ſuos ne emant decimas ·

[78.] Item quorundam relatu nobis innotuit quod quidam domini feodorum homines ſub ſe manentes a rectoribus eccleſiarum decimas emere non permittant · cum eas oporteat vendere · vel ponere ad firmam · et in locis ſilueſtribus remotis colligi nequeant ab eiſdem · Hoc de cetero modis omnibus fieri prohibemus decernentes vt qui talia commiſerint · ſi commoniti non deſtiterint · a ſuis preſbyteris excommunicationis ſentencia percellantur.

De locato et conducto ·

[79.] Item firmiter prohibemus ne de cetero ad firmam eccleſie conferantur niſi de conſciencia Epiſcopi et Archidiaconi fiat conuencio · ex qua plurime litere conſcribantur quarum vna remaneat penes ipſos · Item firmarius eccleſie eam alij non tradat ad firmam · cum negociatio quedam videatur ſub optentu ſecularis commodi et negociatio clericis ſit penitus interdicta ·

Quod rectores ordinentur et ſeruiant eccleſijs ·

[80.] Item irrefragabili conſtitutione ſancimus vt rectores eccleſiarum ad primos ordines veniant ordinandi ita quod quam cito fieri poterit commode ordinentur · Qui parochialem habet eccleſiam amodo per ſeipſum illi deſeruiat in ordine quem ipſius eccleſie cura requirit niſi prius in eadem vicarium habuerit canonice inſtitutum · Qui vero ex diſpenſatione plures eccleſias habuerit parochiales vni earum deſeruiat · ydoneis et perpetuis vicarijs in alijs conſtitutis · Et qui nec vicarium habuerit nec reſidere voluerit illa ſe ſciat Lateranenſis Concilij auctoritate priuatum libere alij conferenda qui quod dictum eſt velit et valeat adimplere ·

Quod laici non teneant placita in ecclefia ·

[81.] Sub interminatione anathematis firmiter prohibemus ne laici teneant placita fua fecularia in ecclefijs vel cimiterijs · et ne laici fecus altare quando facra mifteria celebrantur ftare vel federe inter clericos prefumant · excepto domino Rege et maioribus regni quibus propter fuam excellentiam in hac parte duximus deferendum ·

Quod focarie et concubine facerdotum vel clericorum beneficiatorum non admittantur in ecclefiam ·

[82.] Item prohibemus fub interminatione anathematis ne focarie [et] concubine facerdotum · vel clericorum beneficiatorum · vel infra facros ordines pofitorum · admittantur in ecclefijs ad aquam benedictam · vel pacis ofculum · vel ad aliquam communionem fidelium · Nec alique fornicarie ab aliquibus in domibus vel in terris fcienter et prudenter receptentur ·

Quod matrimonia fine bannis non contrahantur ·

[83.] Item prohibemus ne qui matrimonium contrahant fine terna denunciatione folempniter facta in ecclefia vbi degunt fi in eadem parochia manent · fi in diuerfis in vtraque denuncientur fponfalia · et ne contrahantur fine fidelibus teftibus et legittimis ·

[De teneris infantibus cuftodiendis ·]

[84.] Item prohibemus ne matres aut nutrices teneros infantes in cubilibus fecum collocare prefumant propter frequentiam emergentium periculorum ·

De potibus dandis egrotis ·

[85.] Item prohibemus ne aliquis medicine ignarus ſub pallio medicine potationes herbarum mortiferarum alicui conferat egrotanti · nec aliquid ſortilegium faciat vel exerceat ·

De capellanis conducendis ·

[86.] Item prohibemus ne quis recipiatur capellanus ad curam parochie ibidem moram facturus ad minus quam per vnius anni ſpatium · nec inde ſine rationabili cauſa Archidiacono expoſita recedat · Diſcedentem vero abſque literis Archidiaconi nullus audeat recipere aut tenere ·

[De decimis minutis ·]

[87.] Statuimus de vitulis qui in montibus nafcuntur detur decimus cum pelle et intefti[nis] · Item detur decimus vitulus vel nonus vel undecimus detur tertius in electione · Item de qualibet gallina duo ova · Pulli aucarum decimantur · Item de agno obulus · de edo quadrans vel tertius in electione · Item de porcello obulus · Item omnes artes mechanice decimantur mediante juramento deductis expenfis ·

[De mortuariis ·]

[88.] Item de mortuario ab inteftato habito prius ecclefie debito tertia pars tertie defuncti debetur ecclefie · A teftato vero debitis prius temporalibus probatis et deductis peculium dividatur in tres partes · pars defuncti fi excefferit eft mortal' ejus valorem vacca detur matrici ecclefie · Si dicatur quod defunctus nichil habeat credatur juramento duorum vicinorum / major pannus et melior detur · Tricennale dividatur inter perfonam et capellanum et fic anniverfarium · Item fi aliquis moriatur fine pecul[i]o cogantur heredes habentes ad folvenda debita ecclefie pro ipfo · Item infantes morientes de peculio adventitio folvantur debita ecclefie · Item de infantibus quorum matres moriuntur / non minus folvant quam parentes ecclefie · Item defunctus non moveatur de loco ubi moritur nifi de licencia proprii facerdotis per cujus diftributionem exequie fuerint omnino ecclefie · Si defunctus elegat fepulturam primo deferatur ad matricem ecclefiam et relictis ibidem debitis deducatur ad locum quem elegit · ℂ Nota fi unus homo in duabus parochiis moratur et moritur in una earum utreque ecclefie dabit corporale exennium et pannum fuperiorem nifi fuerit liber tenens ·

[De cereo Paſchali ·]

[89.] Item de cereo Paſchali nummus a quolibet habente per ſe domum vel exiſtente in domo alterius habente peculium · nummus dominicalis cum candela et pane a quolibet habente per ſe domum vel valorem dimedie marce vel exiſtente in domo alterius · Cum cathecumino deferatur candela et veſtis munda et candida · ad purificacionem tres candele ·

[De confeſſione mulierum gravidarum ·]

[90.] Item quelibet mulier gravida in principio noni menſis veniat ad eccleſiam et confiteatur et ſumat corpus Chriſti · alioquin preſbyter non ibit ad ipſam ·

[De Euchariſtia et viſitatione infirmorum ·]

[91.] Ab hora veſpertina uſque ad lucem ſequentem non portetur Euchariſtia extra eccleſiam ad aliquem infirmum antequam informetur niſi ad illum qui ſubito infirmatur ·

De herbagio ſpectante ad ſacerdotem ·

[92.] Ubi non ſit terra libera eccleſie octo vacce capellani cum equo ſecundum ordinem paſcantur per quatuor vias ita quod in herbagio ſtatutis veniant ad eccleſiam · Item de herbagio ſecundum taxationem vicinorum omnibus animalibus cujuſlibet ville computate in parochia dividantur in novem partes et ad numerum decime partis ad herbagium introducantur animalia ab eccleſia ·

[De choro non intrando et de cemeteriis ·]

[93.] Statuimus etiam quod laici non intrent chorum nifi fint milites vel barones vel ecclefiarum fundatores · Et maxime mulieres non intrent chorum tempore Miffe · Item ne laici intrent temporibus capitulorum noftrorum nifi fint citati vel vocati · Etiam quod non teneant placita fua in cimiteriis nec tractent ·

[De refugiis ·]

[94.] Item ftatuimus quod in qualibet ecclefia baptifmali vel in aliqua ubi fepultura eft / tutum fit refugium unicuique cui conceditur de jure per triginta paffus cimiterium in circuitu ·

[Que beneficia rectoribus funt folvenda ·]

[95.] Item ftatuimus quod beneficium quod per rectoris cuftodiam folvitur fi in cimiterio vel in ecclefia cuftodiatur ecclefiarum rectoribus folvatur ·

[Que amerciamenta perfonis ecclefiafticis funt folvenda ·]

[96.] Item ftatuimus quod fi violencia fanguinis effufio vel furtum fiat in terris ad ecclefiam vel ad perfonas ecclefiafticas fpectantibus [h]ujus emolumentum ad perfonas ecclefiafticas devolvatur ·

De decimis cafeorum ·

[97.] Statuimus quod integre decime per quatuordecim dies et quod totus fructus eorundem cadat in decima butiro coniuncto · Item ftatuimus quod decime memorate fiant quo fructus vaccarum eft uberior ·

[De decimis pandaxatorum ·]

[98.] Item ſtatuimus quod de ſingulis pandaxatoribus detur unus denarius rectori vel vicario ·

[De decimis pullorum ·]

[99.] Item ſtatuimus quod pulli decimentur ſecundum quod vendi vel eſtimari poſſunt ·

[De mortuariis et de bonis defuncti ab inteſtato ·]

[100.] Item ſtatuimus quod precioſius animal defuncti pro mortuario matrici eccleſie perſolvatur · et de bonis defuncti ab inteſtato prelatus eccleſie ſecundum Deum diſponat ·

[Par penitentia ei indicitur qui ſpiritualem filiam et penitentialem ſuam violare monſtratur ·]

[101.] Quos in penitentia ſuſcipimus ita noſtri ſpirituales ſunt filii ſicut ipſi quos [vel] nobis ſuſcipientibus · vel ſub tercie merſionis vocabulo mergentibus · unda ſacri baptiſmatis regeneravit · Silveſter quoque docens ammonuit unumque[m]que ſacerdotem [u]t nullus cauſa fornicationis ad ſu[a]m penitentiale[m] accedat · qu[ia] ſcriptum eſt quod *omnes quos in penitentia accipimus ita noſtri ſunt filii ut* [*in*] *baptiſmate ſuſcepti* · Qua propter ſi quis hujuſmodi ſcelus perpetrav[er]it non ſolum dignitatis honorem amittat verum etiam uſque ad exitum vite penitentie ſe ſubdat ·

[De eodem ·]

[102.] Item Celeſtinus Papa de eodem · Si quis ſacerdos cum filia ſua [ſpirituali] fornicatus fuerit ſciat ſe grave adulterium commiſiſſe · Idcirco [ſi] femina ſit laica [omnia] relinquat et res ſuas pauperibus tribuat et converſa ad monaſterium Deo uſque ad mortem ſerviat · Sacerdos vero qui malum exemplum dedit hominibus ab officio deponatur et peregrinando quindecim annos peniteat · poſtea vero ad monaſterium vadat ibique cunctis diebus vite ſue Deo ſerviat ·

[De eodem ·]

[103.] Non debet autem Epiſcopus aut preſbyter commiſ[ceri] cum mulieribus que ei ſua confeſſe ſunt peccata · Si forte / quod abſit / ſic contigerit ſic peniteat ſicut de filia ſpirituali · Epiſcopus quindecim annos / ſacerdos

vel prefbyter duodecim annos / et tamen deponatur fi in confciencia[m] populi venerint fua commiffa ·

[Quod laici domos vel bona perfonarum ecclefiafticarum non occupent ·]

[104.] Cum bona ecclefiaftica in ufus pauperum fint convertenda · nec laicis in perfonis vel fuper rebus ecclefiafticis aliqua fit attributa poteftas quibus manet obfequendi neceffitas non auctoritas imperandi · et gravis et feria exorta fuerit querimonia tam a majoribus quam a minoribus perfonis ecclefiafticis quod bona ecclefiaftica depredantur deruuntur et devaftantur monafteria tam in capite quam in membris domus rectorum vicariorum ac virorum ecclefiafticorum et eorum bona deftruuntur per acceffum magnatum et fuorum ac aliorum laicorum in qua fane et fana confcientia fine periculo animarum non eft diffimulandum nec oculis con[niv]entibus tranfeundum qu[i]ni[mmo] hujufmodi maliciis et oppreffionibus occurratur et falubre remedium imponatur · facro approbante ecclefie Scoticane Confilio ftatuimus et fub pena excommunicacionis ex nunc [precipimus] ac inhibemus ne nullus laicus cujufcunque preeminentie dignitatis vel officii nifi fpecialiter rogatus et invitatus · Domino Reg[e] et liber[is] fuis patronis locorum in cafibus a jure conceffis et miferabilibus perfonis quibus hofpicia caritative funt concedenda dumtaxat exceptis · hofpitalitati vel hofpiciis vendicet vel mittat feu dimittat homines fuos equos aves vel canes perhendinandos in monafteriis feu in grangiis eorum domibus rectorum vicariorum vel clericorum vel aliorum virorum ecclefiafticorum vel bona eorum per fe vel per alios occupet capiat vel devaftet feu per aliquam exactionem vel machinationem contra perfonas ecclefiafticas vel jura hujus ftatuti attemptare procuret · Si quis autem laicus falutis fue immemor hujus ftatuti in toto vel in parte temerarius violator extiterit fententiam excommunicationis late in ipfo fe noverit incurriffe · Paffus vero injuriam illam loci Epifcopo Archidiacono feu eorum Officialibus infra menfem fub pena fufpenfionis denuntiet · qui

comperta veritate hujufmodi tranfgreffores abfque more difpendio in fingulis ecclefiis fue diocefis fingulis diebus Dominicis et feftivis pulfatis campanis et accenfis candelis excommunicatos publice et folenniter faciant denunciari · a qua fententia nullatenus abfolvantur nifi per Confervatorem Confilii tam parti lefe quam ecclefie fatiffactione prius preftita competente · Precipimus etiam [hujufmodi] ftatutum in fingulis ecclefiis parochialibus et capellis militum quater per annum · quando alie fententie nominate excommunicationis publicantur · ne aliquis per ignorantiam fe poffet excufare / publicari · refervata nobis poteftate addendi minuendi feu ftatutum illud immutandi et penam gravem infligendi fecundum quod Deo et ecclefie nobis et noftris aut faluti animarum melius viderimus expedire ·

[De clericis alienigenis ·]

[105.] Adicientes quod quicumque oriundi extra regnum Scotie cujufcunque fueri[n]t nationis et etiam fi fecum literas certas commendaticias portaveri[n]t ad fervitium ecclefiarum parochialium nullatenus admittantur ad deferviendum · [nec] tantum ad deferviendum in capellis curam animarum non habentibus nifi ad celebrandum de Dominica et pro defunctis · nifi eorum diutina converfatio honefta fuerit probata per Diocefanum vel ejus Archidiaconum aut per curam animarum · [et] Diocefanis fuerint prefentati et eorum auctoritate canonice admiffi · inimicis notoriis penitus et omnino exclufis ·

[De capellanis ·]

[106.] Item antiquam confuetudinem morum predecefforum noftrorum obfervare volentes ftatuimus quod capellanus nullus conductivus et parochialis conventionem ultra centum [folidos] pro fervitio fuo annuo exigat vel recipiat licet propter intollerabilem cariftiam aliquibus temporibus retroactis aliter

fuit obſervatum · Et qui contrarium fecerit ipſo facto a celebratione divinorum ſit ſuſpenſus et ſolvens ad arbitrium ſuperioris puniatur · ℂ Verumptamen ſi aliquis rector vel vicarius capellano ſuo non ex conventione ſed ſpecialitate curalitatem aliquam facere voluerit de antiquis veſtibus vel aliis ad hec nullatenus inhibemus · Si vero in aliquibus dioceſibus fuerit conſuetudo quod pro annuo celario capellanis minor ſumma ſolveretur per hanc conſuetudinem ſive ſanctionem dicte conſuetudini nequaquam intendimus prejudicare ·

[De decimis minutis ·]

[107.] Nota quod [tam] in decimis pullorum vitulorum et agnorum quam in decimis lane et lactis de cetero ſtatuimus obſervare licet contrarium ex quadam curruptila hactenus exiſtit obſervatum videlicet quod in decimatione lane non creſcat per totum annum omnes menſes anni in diviſione computentur · In decimatione agnorum vitulorum et pullorum ſtatuimus quod fiat computatio menſium a tempore conceptionis eorundem uſque ad tempus ablactationis et [in] decimatione lactis computentur menſes quamdiu vacce et oves ſunt lactabiles ſed [de] tempore quo ſunt ſteriles nulla ratio habeatur ·

[De vita et honeſtate clericorum ·]

[108.] Statuimus etiam quod ſacerdotes ſint proni ad infirmos viſitandos · quod ſuperaltaria ſint honeſta · quod panni criſma[le]s non convertantur in uſus ſeculares · quod verba in divinis integre proferantur cum mentis intentione · quod intenda[n]t locutionem et orationem · quod inſtruant ſubditos in Oratione Dominica et Simbolo · quod ſint continentes · quod non [ſint] uxorati · quod non frequent[e]nt ſanctimonialium monaſteria ſine cauſa rationabili · quod non teneant mulieres in domibus ſuis de quibus ulla poſſit haberi ſuſpicio · quod non ſint ebrioſi aut tabernas

frequentantes · quod negociatores [non] ſint aut uſurarii · quod non dent [eccleſias] ad firmam niſi in caſibus conceſſis · quod non [ſint] vicecomites aut juſticiarii · quod cum ſacerdotibus non fiat pactio ut p[ercipi]ant an[nu]alia [vel] triennalia · quod habeant rationabilem ſuſtentationem · quod [laicis] non dentur ad firmam libere terre eccleſiarum · quod non edificent de bonis eccleſie in laico feodo nec decimas reponant · quod redditus aſſignati ad luminaria non [con]vertantur ad proprios uſus · quod laici die Paſche non ſimul offerant et communicent · quod non intendant hiſtrionibus aut ludant ad aleas vel taxill[o]s · quod clerici arma non portent ſed habeant tonſuram et habitum convenientem · quod nullus habeat plures curas niſi per diſpenſationem · quod filii proximo adminiſtrantium dimittant beneficium · quod ſacerdos non injungat penitentiam pro cupiditate · quod diaconi non audiant confeſſiones aut ſacramenta miniſtrent / ſolis ſacerdotibus conceſſa · quod ſacramenta [et] ſacramentalia non vendantur · quod [beneficiati] ordinentur ſecundum exigentiam cure · quod faciant reſidentiam · quod majores eccleſie habeant diaconos et ſubdiaconos · quod mercatura non ſit in locis ſacris · quod cimiteria ſint clauſa · quod Feſtum Stultorum penitus tollatur · quod non celebr[e]nt cum aceto · quod audiant et doceant leges clericales · quod Canon Miſſe ſit correctus · quod ludi in quibus [decertatur ad bravium aſſequendum] prohibeantur · quod locis ſacris non ſint ludi vel placita ſecularia · quod parvuli non jaceant juxta matres · quod matrimonia clandeſtina prohibeantur · quod nullus teneat in hoſpitio ſuo concubinas · quod laici non ſint in cancello cum clericis · quod excommunicationes Conſilii ſingulis annis moneantur ·

Ad paſtorale ſpectat officium circa ſtatu[m] eccleſiarum ſibi commiſſarum et ſubiectorum inſtructionem [curam] pervigilem impendere ut de grege ſibi commiſſo ration[em] redditurus de talento ſuo lucrum Domino valeat reportare · Inde eſt quod ex hiis que ex antiquis patribus ſtatuta ſunt quedam ad preſens revocamus ad memoriam aliqua de novo adicientes ne officium noſtrum quod abſit contempnere videamur ·

[Quod cimiteria claudantur ·]

[109.] Circa ſtatu[m] eccleſiarum in primis prouidendum ſtatuimus [ut] cimiteria per circuitum honeſte claudantur ne immundis vel brutis [animalibus] pateat ingreſſus · munda enim debent obſervari loca religioſa et que rite per pontifices ſunt [Deo de[dic]ata ·

[De cimiteriis claudendis et eccleſiis reparandis et ornandis ·]

[110.] Statuimus etiam quod per rectores eccleſiarum cimiteria claudantur per circuitum quantum ſe extendant cancelli · reſiduum per parochianos / niſi conſuetudo ſe habeat ut per parochianos cimiterium totum claudatur · Item tecte ſ[i]nt eccleſie · pariet[e]s integri non ruinoſi / feneſtre vitree et integre que circa cancellum ſunt [per rectorem] reficiende · que vero circa eccleſiam / per parochianos expediantur · Item quod clerici per ſuſpenſionem beneficii ſui quouſque de eorum beneficio refecta fuerint que ſunt reficienda / laici per ſuſpenſionem eccleſiarum / ad id compellantur · Adicimus etiam quod quelibet eccleſia ſive capella que ſufficiens [eſt] ſacerdoti proprium habeat ſacerdotem / calicem argenteum habeat ad quem emendum ſicut et alia que altari ſive veſtibus ſive libris ſive in lucerna ſunt neceſſaria [compellantur] rectores / per ſuſpenſionem beneficii quouſque de eorum beneficiis fuerint que deſunt empta / et perquiſita ſint eccleſiis

duratura · Debeant enim uteri ſive ampulle ad conſervandum vinum et aquam in Euchariſtiam Domini eſſe argentei vel ſtannei / ſacrarium honeſtum et integrum / baptizarium quoque non ſit ligneum ſed lapideum honeſtum / et in alios uſus non convert[a]tur ·

[Criſma Euchariſtia et baptizaria ſub ſera claudantur ·]

[111.] Statuimus etiam ut in cunctis eccleſiis criſma Euchariſtia et baptizaria ſub fida cuſtodia clavibus adhibitis conſerventur ne poſſit ad illa temeraria manus extendi ad aliqua horribilia et nephanda exercenda · Si is vero ad quem ſpectat cuſtodia ea incaute reliquerit / tribus menſibus ab ejus officio ſuſpendatur · [e]t [ſi] per ejus incuriam aliquid nephandum inde contigerit graviori ſubiciat [ultioni ·]

[De viſitationibus Archidiaconorum ·]

[112.] Volumus etiam ut ſingule eccleſie epiſcopatus noſtri per Archidiaconos noſtros vel eorum decanos in quolibet anno viſitentur et defectus ſinguli circa eccleſias et cimiteria libros et ornamenta eccleſiarum [per] ſcripta ad noſtram perducant[ur] noticiam ut de noſtro conſilio per eos emendentur que fuerint emend[a]nda ·

[De vita et honeſtate clericorum ·]

[113.] Preterea ſtatuimus ut omnes clerici in quocunque ordine ſint et maxime in ſacro qui curam habent animarum patentibus auribus per cerc[ui]tum tondeantur et coronas grandes et honeſtas habeant · Sacerdotes vero non habeant capas manicatas ſive rugata[s] ſine manicis ſed rotundas · nec ſotulares nec manicas liguantes · Hiis adjicimus ut omnes clerici [e]t precipue ſacerdotes niſi in peregrinatione vel alia neceſſitate urgente in tabernis non edant vel bibant nec interſint publicis potatoribus · In aleis vel in

aliis ludis non ludant · Si tali[bu]s tranſgreſſoribus hujus conſtitutionis quomodolibet a laicis injuria circa violentem manuum injectionem fuerit illata / nulla ab Ordinario exhibe[a]tur [audientia] · Preſbiteri vero per tres menſes ſuſpendantur · Precipue autem volumus et ſanximus ut ſacerdotes qui cotidie tractant carnem et ſanguinem Iheſu Chriſti et ubi obſequio habent deſervire neceſſe in domibus ſuis vel in [alienis] focarias non habeant ſed munda ſint et honeſta eorum hoſpicia · Nec etiam conſanguineas habeant in domibus ſuis niſi ſint tales de quibus nulla poteſt eſſe ſuſpicio · ſed ſi tal[ibu]s voluerint exhibere a ſe procul in locis remotis et non ſuſpectis exhibeant · Nullus autem focariam ſacerdotis vel concubinam in domo ſua receptet hoſpitet [vel] retineat · Quod ſi quis contrafecerit uſque ad dignam ſatiſſactionem ab eccleſia arceatur alias pro arbitrio judicis puniendus ſic vt quos timor Dei [a malo] non revocat temporalis pen[a ſaltem] coarcer[e valeat] a peccato ·

[De focariis vel concubinis clericorum ·]

[114.] Statuimus ut quicunque ſacerdos focariam vel publicam fornicariam poſt hec habere fuerit inventus [et] poſt penam pecuniariam ſecundum facultates ab eo ſemel exactam ad illam vel conſimilem redire convictus fuerit vel fama denunciante ſuper hoc ſe purgare non poterit / ipſum ex tunc auctoritate noſtra abſ[que] ſpe venie volumus eſſe ſuſpenſum · Caueant preſbyteri ne ſuas penitentiarias cognoſcant pro quo exceſſu canon quindecim annorum [penitentiam] infligit et poſtmodum in monaſterium · non enim minus peccant quam ſi eas cognoſcant quas de ſacro fonte ſuſceperunt · Et quia quandoque oportet novas invenire medicinas adicimus qu[od] focarie preſbyterorum non recipiantur ab aliqu[a] eccleſia in oſcul[um] pacis nec ad aquam benedictam · Et ſi in domibus preſbyterorum uſque ad mortem permanſerint eccleſiaſtica careant ſepultura · et ſi predeceſſerint ſacerdotes concubine ſue nichil recipiant de eorum teſtamentis · Item concubina ſacerdotis nichil conſequatur ad ipſius promiſſionem [e]i ob turpitu-

dinem proprii corporis factam · Item nullus facerdos concubina[m] facerdotis ad penitentiam recipiat nifi fuum voluerit deferere peccatum · nunquam [enim] dimittatur [peccatum] nifi prius deferatur · et [hoc] de quolibet obfervandum eft publice exiftente in peccato mortali ·

[De celebratione Miffarum ·]

[115.] Item fummo opere providendum eft ut in confecratione corporis et fanguinis Domini aqua in tam modica quantitate apponatur ut non vinum ab aqua fed [aqua a vino] abforbeatur · Vinum vero potius fit rubeum quam album · in albo tamen conficitur · Caveant prefbyteri ne vinum fit acetum vel corruptum · et precipue ne conficiant de aceto cum acetum omnes fubftantiales proprietates amifit · ℭ Hoftia fit de puro frumento rotunda et integra et fine macula quia Agnus Dei fine macula eft et os [non] f[ui]t commi[nu]tum ex eo · Antequam *Pax Domini* dicatur in qualibet Miffa five pro defunctis five alia femel in die in fingulis ecclefiis cum pro[f]tratione et perpulfatione campane dica[n]tur p[reces] pro [re]miffione *Pater noſter* · *Deus venerunt* · *Leuaui* · et [orationes] pro [R]ege et Epifcopo · et pro adverfitatibus et periculis ecclefie / quibus finitis dicantur *Kirieleyſon* ter · *Paternoſter* · *Et ne nos* · poftmodum hee preces *Exurgat Deus* · *Domine ſaluum me fac* / *Fiat pax* · oratio *Deus in cujus* · et in oratione addatur *Regi noſtro et Regine* · *et eorum liberis* · oratio *Deus qui caritatis dona* · oratio *Eccleſie tue* [*queſumus Domine*] *preces* etc · Cum autem ad perceptionem corporis et fanguinis Domini perventum fuerit / fi oportet facerdotem eodem die fecundo celebrare quod non [alicui licet] nifi urgente neceffitate facere / vinum vel aquam que poft confecrationem effunditur ad lavandum calicem non fumat · n[am] per omnem cibum vel potum jeiunium folvitur quo ad hoc celebrare non poffet · Loturam illam calicis alicui v[a]f[i] mundo et honefto huic ufui et non aliter fpecialiter depu[tat]o infundat eamque poft fecundam celebrationem fumat · Si autem puer vel minifter aliquis de cujus pietate facerdoti con[ft]iter[it] pr[efen]s fuerit predictas ablutiones eidem fecure dare poterit ·

[De eodem ·]

[116.] Item nullus [eleu]et in altum Euchariſtiam ſed coram pectore ſuo retineat quouſque expleantur illa verba · HOC EST CORPUS MEUM · Item ne ullus ſacerdos duabus eccleſiis ſerviat prohibemus · Item parochialis ſacerdos Miſſas pro defunctis mercede interveniente vel ſpe mercedis non celebret · Item ſi pro vivis aut defunctis alicui fuerit commiſſum ut Miſſas faciat celebrare executor quocunque vel vnum alij preponat in eiſdem Miſſis celebrando quamcunque ſpeciem mercedis recipiat ·

[De cuſtodia Euchariſtie et viſitatione infirmorum ·]

[117.] Ad hec ſtatuimus ut in civitatibus burgis et caſtris quando ad infirmos differatur Euchariſtia ponatur in pixide munda et honeſta et ipſa pixis ponatur in calice ſtanneo ſi habeatur et circumvolvatur lintheo mundo / et lucerna et cruce precedentibus et aqua benedicta / ſacerdos in ſuperpellicio ſi ayeris temperies hoc patiatur elevata pixide honeſte et devote prodeat niſi eger valde remotus fuerit · deferatur Euchariſtia in pixide munda et honeſta exiſtente in capſa que ab ayeris temperie poſſet pixide[m] tener[e] · Renouetur hoſtia infirmis danda ſingulis Dominicis diebus et ponatur in loco honeſto et ſecuro · Aliis tamen diebus ex neceſſitate poterit re[nov]ari ·

[De baptiſmo et forma baptizandi ·]

[118.] Diaconi baptizare et penitentiam dare non poſſunt nec Euchariſtiam miniſtrare preſumant · In mortis periculo diaconus etiam et laicus poterunt baptizare · De hiis parochiani in eccleſiis debent edoceri et quomodo ſit baptizandus ſub hiis verbis · EGO BAPTIZO TE IN NOMINE PATRIS ET FILII ET SPIRITUS SANCTI · AMEN · Unde etiam in hoc canone in neceſſi-

tatis articulo puer baptizatus ſi convaleſcat ad eccleſiam deferri debet ſed non exorciſmari · ymmo [non] ultima que precedunt inmerſione[m] in baptiſmate ſed ea ſola que ſequuntur per ſacerdotem expedia[n]tur · Adicimus etiam ſi de baptiſmate alicujus dubitatur modis omnibus baptizetur / quia non poteſt dici iteratum quod neſcitur fuiſſe collatum / ſuper hiis verbis · SI BAPTIZATUS ES NON TE BAPTIZO [S]ET SI NON BAPTIZATUS ES EGO TE BAPTIZO IN NOMINE PATRIS ET FILII ET SPIRITUS SANCTI · AMEN ·

[De penitentia ·]

[119.] A ſacerdote [ad] ſymoniacam pravitatem extirpandam hiis adicimus ut ipſi nullo laico ſano vel infirmo Miſſas injungant pro penitentia · Precipimus etiam quod nullus ſacerdos alterius parochianum [ad penitentiam] recipiat niſi ex licencia proprii ſacerdotis · Si autem parochianus petat tranſire ad diſcretiorem ſacerdotem / inde [pro]prius ſ[acerdos e]i licentiam benigne conferat · Caveat tamen inde parochianus ne confeſſionem dividat · ſed niſi cum licencia ejus adeat nullum · Proponat autem ſacerdos nichil infirmo quod ante egritudinem fuerat licitum poſt convalenciam per extremam unctionem reddi illicitum · Proponat et[iam] quod extrema unctio illa quotienſcunque opus fuerit licite iterari poſſet ·

[De ſepultura ·]

[120.] Volumus et[iam] ut ſi quis morte ſubita preoccupatus fuer[i]t ſepultura non careat Chriſtiana niſi excommunicatus deceſſerit vel in opere aliquo quo peccatum mortale committit interfectus fuerit · Cui enim communicamus viuo et mortuo communicare [debemus ·]

[De matrimonio ·]

[121.] Matrimonium [inter ignotos] penitus non contrahatur nec etiam inter

notos nisi antea publice in ecclesiam tam de viro quam de femina tribus diebus Dominicis trina et solennis precesserit [denunciatio ·]

[Denunciatio quater in anno in ecclesiis fienda ·]

[122.] Item statuimus ut annis singulis in omnibus ecclesiis quater in anno [Dominicis] diebus fiat denunciatio solennis · Excommunicentur in genere sortelegi incendiarii falsarii usurarii manifesti raptores publici / scienter impedientes testamenta legitime facta / laici detinentes vel invadentes fraudantes vel auferentes injuste decimas vel terras vel alias libertates ecclesiasticas vel possessiones / testes scienter perjuri per quos aliquis amittit hereditatem vel beneficium ecclesiasticum vel terrenum · Item ut nullus sacerdos tales periuros absolvat inconsulto Episcopo nisi in periculo mortis · Item sacerdos publice interdicat parochianis suis ne obtent[u] prave consuetudinis que jam inolevit e[x] alicujus amore [vel] precepti intuitu quis juret cum vicinis suis contra conscientiam suam · It[em] ut tales perjuri non absolvantur inconsulto Episcopo nisi mortis periculo eminente · Item presbyteri parochianos publice fornicarios a principio moneant et inducant ut fornicarias dimittant / Et si postea fuerint reversi ad eas / coram testibus ad hoc vocatis tribus ad minus viris non suspectis / exigatur de fornicariis juramentum quod si postmodum fornicarias cognoverint ex tunc illas pro uxoribus suis habebunt ·

[De residentia ·]

[123.] Item persona vel vicarius propria relicta ecclesia in burgo vel in villa non faciat residentiam nisi urgente necessitate aut cum eo fuerit dispensatum · Qui semel ammonitus non rediret / p[er] quadriennij tempus fructibus ecclesie sue privetur ·

[Quod matrimonia vel ſponſalia ſine teſtibus non contrahantur ·]

[124.] Item nullus contrahat matrimonium vel ſponſalia niſi preſentibus teſtibus legitimis per quos poſſit probari matrimonium ſi de eo dubitetur ·

[De monachis vel canonicis fugitivis ·]

[125.] Preterea quoniam nobis conſtat multas a predeceſſoribus noſtris et a nobis preceſſiſſe monitiones quod ſi qui monachi vel canonici ſint fugitivi in archidiaconatu iſto ad obſervantiam regular[u]m [revertantur quibus] ex profeſſione ſua vel alio modo aſtringuntur · Omnes illos repetita monitione monemus ut apoſtaſi ſua relicta ad monaſteria redeant vel ſaltem nobis conſilia petant que exſequantur infra tres menſes a die hujus [ſtatuti] in hoc archidiaconatu promulgat[i] · alias ſciant ſe ex tunc auctoritate noſtra excommunicatos · Et [ut] ne quis poſſit ignorantiam allegare in proximis diebus Dominicis in qualibet eccleſia parochiali hoc ſtatutum publicetur ·

[Ne religioſi ſub certo pretio admittantur ·]

[126.] Item ſtatuimus quod nullus monachus vel monialis vel aliquis alius religioſus admittatur ſub certo pretio ·

[Ne clerici officia vel commercia exerceant ·]

[127.] Item ſtatuimus quod clerici officia vel commercia non exerceant ſecularia ·

[Ne clerici ſententias ſanguinis dictent vel ſcribant ·]

[128.] Item ſtatuimus quod nullus clericus ſententiam ſanguinis dic[t]et vel ſcribat ·

[Quod rectores vel residеant vel vicarios presentent ·]

[129.] Item statuimus quod omnes rectores vel in ecclesiis resideant vel vicarios ad honestam sustentationem presentent ·

[De capellanis et diaconis extranee ordinationis ·]

[130.] Item statuimus ut [nullus] rector ecclesie in archidiaconatu isto aliquem capellanum vel diaconum servitio ecclesie certo se retineat nisi de ejus ordinatione et honesta conversatione legitime innotescat / et tunc ipsum domino Episcopo vel suis Officiali[bus] presentet · Si autem ignotus fuerit capellanus vel diaconus nullo modo ad executionem sui officii in hoc episcopatu admittatur nisi habeat literas sui Episcopi vel Archidiaconi commendarias patentes per quas de ejus ordinatione et honesta conversatione posset constare legitime ·

[De mutatione sacerdotum ·]

[131.] Preterea quoniam ex frequenti mutatione sacerdotum multa ecclesiis contingunt [dis]pendia et pre[judicia] generantur statuimus ut cum quis ecclesie sue de sacerdote disponit providere talem sibi adhibeat ut per annum ad minus retineat quoniam si in fine anni vel antea ex quacunque ratione [sit] amovendus / de consilio Archidiaconi vel Decani vel Officialium nostrorum ammoveatur et alius vice ejus surrogetur · et [hoc] de parochialibus sacerdotibus duximus intelligendum ·

[Ne ecclesie vel beneficia tradantur ad firmam ·]

[132.] Adicimus etiam quod nullus ecclesiam vel ecclesiasticum beneficium recipiat ad firmam sine assensu nostro vel Officialium nostrorum · et maxime

nullus habeat ad firmam duas ecclefias fine auctoritate noftra et licentia · et fpecialiter ut nullus laicus ecclefiam recipiat ad firmam · Pactio fuper hujufmodi contra hujus precepti tenorem inter aliquos inita irrita habeatur · et conquerentibus fuper hujufmodi pactionibus [non] obfervandis nulla prebeatur audientia ·

[Quod capellani non celebrent nifi prius canonicam faciant obedientiam ·]

[133.] Probibemus etiam fub interminatione anathematis quod nullus capellanus parochialis pro defunctis celebrans · vel cum militibus vel cum aliis refidentiam faciens · in epifcopatu noftro celebret nifi prius canonicam faciat obedientiam · Et maxime hii qui annuum fervitium pro defunctis tenentur [celebrare ad] trigentale fervitium dicendum pro alio fe non obligent ·

[De refidentia et ordinatione vicariorum ·]

[134.] Preterea quod a venerabili patre noftro O[thone] Dei gratia legato Scotie nuper fuit ftatutum fuper refidentia et ordinatione vicariorum innovantes ftatuimus ut omnes vicarii omni ex[cufa]tione et exceptione remotis in ecclefiis fuis refideant fucceffive ordination[e]s fufceptur[i] fub pena in eodem ftatuto promulgata in utroque articulo obfervando ·

[De rectoribus ·]

[135.] Volentes etiam vifitationi ecclefiarum paftorali foli[ci]tudine providere ftatuendo precipimus ut omnes rectores ecclefiarum quinquennio jam elapfo ecclefias fint adept[i] in ecclefiis fuis ut paftorum refideant in eifdem ftari refidentiam in eadem non refident promulgata ·

[Quod rectores aut in ſuis eccleſiis habeant ydoneos ſacerdotes aut ipſi ordinentur ·]

[136.] Provideat rector uniuſcujuſque eccleſie ut ydoneum et ſufficientem et literatum in ſua eccleſia habeat ſacerdotem alias ſeipſum fateatur in ſacerdotem ordinari in eodem ordine in eccleſia miniſtraturum ·

[Quod rectores ordinentur ·]

[137.] Statuimus ut omnes rectores eccleſiarum ad minus in proximis ordinibus ſint infra ſacros ordines conſtituti alia poſt ipſam admonitionem non expectata · alias ſciant omnes ad quorum noticias iſtud ſtatutum pervenerit ſe ab ingreſſu eccleſie ſuſpenſos et beneficio ſuo nichilominus privandos ·

[Ubi debent audire confeſſiones ·]

[138.] Preterea ne inter [velum et] altare [mulierum] confeſſio[n]es audiantur prohibemus ſed in alia parte eccleſie [ab audi]entia hominum ſed non conſpectu remota ·

[De promulgatione et obſervatione conſtitutionum premiſſarum ·]

[139.] Prohibemus etiam in virtute ſancte obedientie quod conſtitutiones premiſſe ſint in qualicunque eccleſia parochiali [promulgate] et integre ab omnibus obſerventur · Tranſgreſſores autem horum preceptorum ſciant ſe uſque ad condignam ſatiſfactionem per cenſuram eccleſiaſticam compellendos · Et ſi poſt octo menſes a die hujus Synodi apud Muſkilburgh celebrate die Lune proximo poſt Feſtum Inventionis Sancte Crucis anno gratie milleſimo [ducenteſimo quadrageſimo] predicte conſtitutiones in qualibet eccleſia archidiaconatus non fuerint invente rectores earundem eccleſiarum ſi preſentes fuerint vel ſi abſentes eorum procuratores auctoritate noſtra decrevimus ab ingreſſu eccleſie ex tunc ſuſpenſos ·

Statuta Synodalia que fubfcribuntur ftatuimus ·

[Quod rectores habeant Statuta Synodalia ·]

[140.] [Statuimus] quod nullus rector five vicarius quin habeat omnia Statuta Synodalia et ea fciat legere et intelligere / quoniam per ipforum ignorantiam Officiales noftros et Archidiaconos noftros fepe vexari contingit / que fingulis annis ad Synodum deferantur / et hoc [fub] pena quadraginta folidorum ·

[Quod rectores et vicarii in ecclefiis fuis refidentiam faciant ·]

[141.] Item ftatuimus quod quilibet rector feu vicarius aut alius beneficiatus in loco beneficii fui refidentiam perfonalem faciat et continuam / prout beneficii fui requirit conditio / rector fub pena decem mercarum / vicarius et alii beneficiati fub pena centum folidorum ·

[De manfionibus beneficiatorum ·]

[142.] Item ftatuimus quia propter fimplicitatem edificiorum in beneficiis noftre diocefis receptari non poffumus et per fequens nec in perfona propria exercere vifitationis officium aut ea que incumbunt ex officio perimplere / quod quilibet beneficiatus juxta beneficii fui facultatem citra proximam vifitationem fic fuper edificando difponat quod ibidem cum opus fuerit poffumus hofpitari · et hoc cuilibet fub pena centum folidorum ·

[Quod clerici ſuas focarias ſeu concubinas a ſe removeant ·]

[143.] Item volumus et ſtatuendo precipimus quod omnes et ſinguli rectores vicarii et alii beneficiati continenter viuant et a ſe cum effectu ex nunc infra tres menſes ſuas focarias ſeu concubinas ex toto removeant / quod de incontinentia ſiniſtra ſuſpicio non habeatur / ſub pena privationis illis qui trinis vicibus moniti ſunt · qui binis ſub pena decem marcarum · qui ſemel ſub pena quadraginta ſolidorum et ſuſpenſionis a celebratione divinorum ·

[Ne aliene ordinationis clerici ſine literis dimiſſoriis admittantur ·]

[144.] Statuimus quod nullus alterius dioceſis preſertim alienigena admittatur ad celebrandum divina niſi habeat literas ſufficientes tam ordinum ſuorum quam dimiſſori[as] et que per nos aut Officialem noſtrum in Synodum aut Conſiſtorium approbate fuerint · Contrarium vero facientem multari volumus pena quinque marcarum per Officialem noſtrum et Decanos et Eſchaetarios noſtros levand[ar]um ·

[Ne religioſus ex conducto celebret ſine licentia ſpeciali ·]

[145.] Statuimus etiam quod nullus religioſus ex conducto infra noſtram dioceſem cure deſerviat aut ſacramenta eccleſiaſtica miniſtret niſi habeat noſtram licentiam ſpecialem que apud religioſos ipſos in ſcriptis debeat remanere ·

[Ne quis ſacerdos plures Miſſas in die celebret ·]

[146.] Etiam quia quidam preſbyteri plus queſtui quam devotioni in[tu]entes · cum vix valeant unius officium perimplere · ſibi vendicant ſtipendia pluri-

morum · plures Miſſas in die celebrando · hoc / [cum] non ſubſit neceſſitas / fieri prohibemus / Contrarium facientem pena centum ſolidorum piis uſibus applicandorum decrevimus puniendum ·

[Item de eodem ·]

[147.] Item ſimili pena in eos affligenda [qui] dominos temporales plures aut unum maſculos aut famellas procuraverint pro contrario ſupplicare ·

[De confeſſionibus clericorum audiendis ·]

[148.] Item quia ſecundum canonicas ſanctiones conſuetudine judex non poteſt quis ut preter ſui ſuperioris licentiam valeat eligere confeſſ[orem] · ne ob defectum noſtri ſubditi animarum incurrant periculum / infraſcript[o]s ad confeſſiones virorum eccleſiaſticorum nobis ſubjectorum audiendum et penitentias injungendum uſque ad annum ſtabilimus per ſingulos decanatus · a · b · c · d · e · f · g ·

[Quod in eccleſiis numerus debitus clericorum habeatur ·]

[149.] [Statuimus] etiam quod in ſingulis eccleſiis epiſcopatus oratoriis et capellis habeatur numerus debitus preſbyterorum [et] clericorum / ne divinus cultus noſtris diminuatur temporibus · Qui autem in hoc ſtatuto defectuoſus fuerit canonice puniatur ·

[Quod ſacerdotes non celebrent in tunicis curtis ·]

[150.] Statuimus inſuper ut nullus preſbyter celebret in tunica curta niſi ſe protineat ultra genu / ſub pena decem marcarum cujus medietas detectori et alia dimedictas piis uſibus applicetur ·

[Quod rectores et vicarii et presbyteri parochiales habeant sigilla ·]

[151.] Statuimus insuper quod quilibet rector seu vicarius et presbyter parochialis habeat sigillum cum inscriptione nominis sui in circumferentia · ut Episcopus et Archidiaconus et eorum ministri possint cognoscere et certificari de citationibus et aliorum executionibus mandatorum · et [hoc] cuilibet sub pena dimedii marce ·

[Ne sacerdotes deferant longos cultellos qui vocantur *hangaris* ·]

[152.] Item statuimus quod nullus sacerdos deferat longum cultellum qui vocatur *hangar* nisi dum est accinctus ad iter / sub pena dimedie marce ·

[Ne beneficia ecclesiastica laicis directe vel indirecte assedentur ·]

[153.] Statuimus ne quis rector vel vicarius seu aliquis clericus quicunque religiosus vel secularis beneficium habens ecclesiasticum ipsum suum beneficium laicis assedare vel ad firmam presumat concedere directe vel indirecte persona clerici fraudulenter interjecta mediante · Quod si quis licentia nostra prius non petita et obtenta contrarium fecerit hujusmodi fructibus sui beneficii fabrice ecclesie Sancti Andree applicandis per annum integrum sit privandus ac privatus ·

[Ne clerici beneficiati seculares administrationes recipiant ·]

[154.] Item quia nonnulli beneficiati nostre diocesis cupiditatis vic[io] exartati ad ministrationes se ingerant laicorum propter quod honestati clericali frequenter derogatur · statuendo prohibemus ne quis rector vel vicarius seu aliquis quicunque clericus beneficiatus administracionem alicujus laici quocunque modo sentiatur gerere presumat de cetero vel admittere de

qua ad ratiocinia reddenda ſit aſtrictus / cum adminiſtrationes hujuſmodi per ſacros canones penitus ſint interdicte · Qui vero contrarium attemptare preſumpſerit pene privationis ſubjaceat niſi forſan ipſam adminiſtrationem de licentia noſtra ſuſceperit ſpeciali / adminiſtrationibus Domini Regis Regine ac liberorum ſuorum duntaxat exceptis ·

[Ne nuptie ſint benedicte ſine bannis ·]

[155.] Adhuc etiam cum quidam ſacerdotes juris ignari nubent[es] quoſcunque contra ſtatuta canonum retroactis temporibus benedixerint ex quorum facto in eccleſia Dei ſcandalum frequenter exortum fuiſſe dinoſcitur · firmiter prohibendo ſtatuimus ne quis ſacerdos infra noſtram dioceſem nube[n]t[es] aliquos cujuſcunque ſtatus aut dignitatis exiſtant benedicere aut eorum benedictionibus intereſſe preſumat niſi banna juxta morem eccleſie edita prius fuerint ac proclamata · nonobſtante quod ipſi nubentes vel alii de i[n]demp[n]itate aſſerant ſe canonicum invenire [plegium paratos eſſe ·] quod [plegium] canonicum preſenti ſtatuto noſtro reprobant[es] d[e]cernimus nullatenus fore admittendum · Si quis vero ſacerdos proprii honoris immemor ſ[tat]uti contrarium facere preſumpſerit non ſolum per triennium ab officio ſit ſuſpenſus ipſo facto ſine ſpe gratie / verum et[iam] totius ſue promotionis ſpem amittat niſi per nos ſecum fuerit miſericorditer diſpenſatum · Nubentes vero contra hoc ſtatutum noſtrum canonice ſubjaceant ulcioni ·

[Ne ſponſalia contrahantur ſine ſacerdotis et teſtium preſentia ·]

[156.] Preterea ſtatuimus ut volentes ſponſalia ſive per verba de preſenti ſive de futuro contrahere ipſa contrahant ſacerdote preſente et teſtibus fidedignis adhib[itis · Adici]entes quod in proximis diebus Dominicis et feſtivis juxta morem eccleſie publice banna proponant et deinde quam citius commode fieri poterit benedictio nuptialis non in capellis privatis et

in tenebris fed in ecclefiis fuis parochialibus folenniter et palam fubfequatur · Contrahentes vero hujufmodi difponfalia inter fe carnaliter non commifceant / quod fi qui fecerint tamquam fornicatores canonice fubjaceant ulcioni ·

[Ne clerici defamati ad laicos pro auxilio recurrant ·]

[157.] Item quia experimento didicimus quod nonnulli clerici beneficiati noftre diocefis fam[e] fu[e] prodigi et [honoris] proprii perfecutores dum per nos vel per miniftros noftros pro fuis exceffibus fuerint corrigendi · exemplo Jude proditoris difperati qui poftquam Dominum tradidit non ad Apoftolos fed ad Judeos pro confilio habendo recurrebat · ad laicos et maxime ad potentes recurrunt ut preces pro fe et fuis nobis vel miniftris noftris ab illis non fine muneribus ut verifimiliter fufpicitur redeunt porrigendo ut fic correctionem exceffuum fuorum non tamen fine ignominia fua valeant euitare · [hoc] de cetero fieri prohibemus ftatuentes quod fi quis in hoc culpabilis inventus fuerit non folum commodo precum careat pro ipfo porrectarum ymmo de crimine de quo defamatus eft etiam fi aliter non fuerit probatum / pro convicto habeatur ·

[Ne excommunicati ad ecclefiafticam fepulturam admittantur ·]

[158.] Item ftatuimus et ftatuendo prohibemus ne quis curatus noftre diocefis quocunque nomine cenfiatur qui curam habet ecclefiaftice fepulture per fe vel per alium [aliquem] apud ecclefiam fuam fepulturam eligentem quem in vita fcivit excommunicatum a canone vel ab homine in genere vel in fpecie ad ecclefiafticam [fepulturam] admittere prefumat / nifi de illius abfolutione per eum qui poteftatem habet folvendi conftiterit fibi evidenter · Qui vero contrarium fecerit ab officio facerdotali fe noverit per annum ipfo facto fore fufpenfum ·

[De Confiftorio femel in anno tenendo ·]

[159.] Statuimus etiam et auctoritate pontificali ftatuendo ordinavimus quod omnes ecclefiarum rectores vicarii prefbyteri parochiales et ceteri capellani tam pro animabus quam pro capellanis celebrantes conveniant femel in anno fcilicet proximo Confiftorio noftro poft Refurrectionem Dominicam tenendo · videlicet · hii de archidiaconatu [Sancti Andree] in ecclefia parochiali civitatis ejufdem / et illi de archidiaconatu Laudonie in ecclefia Sancti Egidii de Edingburgh · audituri et recepturi per nos aut Officiarium noftrum / aut per alium in vices noftras quem in hac parte fpecialiter duxerimus committendum / informationem noftram qualiter in divinis celebrandis et ecclefiafticis facramentis miniftrandis fecundum ftatuta canonum fe debeant habere et fuos parochianos in hiis que fpectant ad eorundem falutem animarum fimiliter decet informare ·

[Nomina que correctione indigent in fingulis parochiis Epifcopo fingulis annis in Confiftorio fuo reportanda ·]

[160.] Statuimus et ordinamus quod dictis diebus et locis fingulis annis fecum portent in fcriptis omnia nomina que correctione indigent in parochiis fuis que funt notoria vel de quibus fama publica laborat · ut in vifitatione noftra fubfequenti prout nobis fideliter reportaverint et fuper gregem fub nobis eis commiffum diligenter vigilaverint ipfos tanquam villicos bonos pro fideli labore vel aliter fi aliter actum fuerit merito valeamus remunerari ·

[Nomina omnium decedentium in fingulis parochiis Epifcopo fingulis annis in Confiftorio fuo reportanda ·]

[161.] Ad hec etiam volumus et ordinamus quod fecum portent in fcriptis fingulis annis ut fupra numerum et nomina omnium decedentium in paro-

chiis ſuis cujuſcunque fuerint conditionis aut ſtatus et etatis et qui teſtati vel inteſtati deceſſerint ut per hoc nobis innoteſcere valeat qualiter ultime voluntates defunctorum et maxime in hiis ad pias cauſas que relinquuntur per eorundem decedentium executores vel forſan per miniſtros noſtros executores [ſi que] defecerint / debite executioni mandentur · Si quis vero hujus ſtatuti noſtri in toto vel in parte tranſgreſſor inventus fuerit ſi rector in quadraginta ſolidis / ſi vicarius in viginti [ſolidis] / ſi preſbyter parochialis in decem ſolidis / ſi ſimplex capellanus in ſex ſolidis et octo denariis / niſi de canonico ſuo impedimento legittime [conſtat] multetur · Iſtud vero ſtatutum noſtrum a Feſto Reſurrectionis Dominice anni Domini milleſimi tricenteſimi · . . . .

[De obediencia clericorum ·]

[162.] Item quoniam *melior* [*eſt*] *obedientia quam victima* et contumacia ſeu inobedientia [peccato] ariolandi et ydolatrie comp[a]rantur · ſtatuimus quod omnes eccleſiaſtici viri ſuis Epiſcopis in mandatis licitis et canonicis contumaces · et ſine rationabili cauſa et manifeſta reſiſtentes · ab officio ſuſpendantur · et creſcente contumacia pena majore puniantur ·

[Excommunicatio generalis ·]

[163.] Excommunicamus omnes qui eccleſia[s] malicioſe jure ſuo privare preſumunt a[ut] per maliciam [libertates] e[a]rundem infringere contendunt · Etiam omnes invaſores rei eccleſiaſtice malicioſe · Item omnes incend[i]arios eccleſiarum vel domorum tempore pacis · Item omnes detentores decimarum ſcienter · Item omnes impedientes teſtamentum vel matrimonium licite factum · Item omnes falſarios literarum Domine Pape et ſigilli Domini Regis · Item omnes falſos monetarios vel tonſores monete · Item omnes dantes vel procurantes venenum alicui dari · Item omnes ſcienter perhibentes falſum teſtimonium vel perhiberi procurantes · Item omnes

falſos heredes facientes · Item omnes qui maliciofe fcandalum [alicui] imponunt cum defamatus non fuerit · Item omnes uſurarios communes · Item omnes ſortilegos et omnes in eis firmiter credentes · Item omnes proicientes proles ſuas ad oſtia eccleſiarum vel alibi · Item omnes imponentes manus ſuas maliciofe in patrem vel matrem · Item omnes imponentes manus violentas in preſbyterum diaconum vel clericum ordinatum · Item omnes extrahentes fures de eccleſia [vel] munimine eccleſie patenter · Item omnes necantes partum · Item omnes falſiter partum imponentes · Item omnes communicantes cum excommunicato [vel] ſcienter facien[tes] ei [auxilium] · Omnes ſuſpenſos divina celebrantes ſcienter · Omnes ſymoniacos principales vel procuratores · Omnes violantes eccleſiam vel cimiterium cujus cauſa debet reconſiliari · Omnes qui adjuvant Saricenos in armis vel aliter contra Chriſtianos · Omnes faventes hereticos et ſciſmaticos recipientes ſcienter · Omnes noctevagos cauſa furandi · Item omnes pacem Regiam perturbantes et maxime eccleſiaſticam animo malivolo · Item omnes falſiter determinantes ſcienter · Item omnes recedentes ab unitate ſancte matris eccleſie ·

De reconciliacione ecclesie ·

[164.] Preterea statuimus / quod cum ecclesia vel cimiterium / sanguinis vel seminis effusione polluta fuerit vel pollutum / si rector vel vicarius vel eiusdem parrochianus vel alius quicunque / dum tamen polluens fuerit soluendo / ipsam ecclesiam vel cimiterium polluerit / ipse polluens precacionem racione reconciliacionis huiusmodi ecclesie vel cimiterij persoluat / Si vero per aliquem polluta vel pollutum fuerit / qui nullo modo comparuerit / vel forsan comparuit / et non soluendo fuerit inuentus / rector ipsius ecclesie et vicarius si in eadem ecclesia habeantur precacionem racione reconciliacionis huiusmodi debitam / sumptibus parrochianorum et suis pro equalibus porcionibus / cum ipsorum communiter intersit / prouideant / eisdem contra polluentem reseruata actione agendi · Vbi vero in eadem ecclesia rector et vicarius existunt / dimidia pars precacionis ab eisdem pro rata porcionum suarum / et alia dimidietas ab ipsis parrochianis persoluatur · Quod si necesse fuerit / per censuram ecclesiasticam compellantur · Prohibentes sub pena excommunicacionis exnunc late / ne de cetero aliqui choreas ducere / seu lucturam facere / vel alios quoscunque [ludos] inhonestos in ecclesiis vel eorum cimiterijs / quibuscunque festiuitatibus seu temporibus facere vel exercere presumant / cum occasio polluendi ecclesias vel cimiteria ex talibus frequenter consueuerit preuenire ·

[Qui dies debeant a clero et a populo obferuari ab opere feruili ·]

[165.] Nota bene · Ifti funt dies folemniter obferuandi per annum ab omni opere feruili a clero et a populo per Statutum Prouinciale et Synodale ·

In primis · In Januario · Dies Circumcifionis · Dies Epiphanie ·

In Februario · Purificacio Beate Marie · Feftum Beati Mathie apoftoli ·

In Marcio · Dies Annunciacionis Beate Marie tantum ·

In Aprili · Dies Sancti Marci euangelifte tantum ·

In Mayo · Dies apoftolorum Philipi et Jacobi · Inuencio Sancte Crucis ·

In Junio · Dies Sancti Barnabe apoftoli · Natiuitas Sancti Johannis Baptifte · Dies apoftolorum Petri et Pauli ·

In Julio · Feftum Vifitacionis Beate Marie Virginis · Dies Sancte Marie Magdalene · Dies Sancti Jacobi apoftoli ·

In Augufto · Ad uincula Sancti Petri · Dies Sancti Laurencij · Dies Affumpcionis Beate Marie · Dies Sancti Bartholomei apoftoli ·

In Septembri · Natiuitas Beate Marie · Exaltacio Sancte Crucis · Dies Sancti Mathei apoftoli et euangelifte · Dies Sancti Michaelis archangeli ·

In Octobri · Dies Sancti Luce euangelifte · Dies apoftolorum Symonis et Jude ·

In Nouembri · Feſtum Omnium Sanctorum · Dies Sancti Martini · Dies Sancti Andree apoſtoli ·

In Decembri · Concepcio Beate Marie · Dies Sancti Thome apoſtoli · Natiuitas Domini · Dies Sancti Stephani · Dies Sancti Johannis apoſtoli et euangeliſte · Dies Sanctorum Innocentium · et Sancti Thome Cantuarienſis archiepiſcopi et martiris ·

Et nulli alij dies obſeruandi ſunt de mandato eccleſie · niſi dies Veneris ſancta · videlicet · dies proprius Paſſionis · quia multo plus profuit pro nobis mori quam naſci · et maius opus non reperitur Deus feciſſe quam quod illa die fecit · tantam in ſemetipſo pro nobis recipiendo paſſionem · Et quia etiam ſuper opere illius diei fundatur ſalus tocius mundi · ſine qua omnes alie feſtiuitates fruſtratorie forent · Dies Paſche · cum tribus ſequentibus · Aſcenſio Domini · Penthecoſte cum tribus ſequentibus · Feſtum loci · Feſtum Corporis Chriſti · Feſtum dedicacionis eccleſie · et dies Dominicales ·

Adhuc nota diligenter · His diebus ieiunare debemus · Per totam Quadrageſimam exceptis Dominicis diebus · In Quatuor Temporibus · que quando contingunt ſcitur per hos verſus ·

Dant Crux Lucia Cineres Cariſmata Dia
Vt ſit in Angaria quarta ſequens feria ·

In quinque vigiliis Beate Marie videlicet Purificacionis · Annunciacionis · Aſſumpcionis · Natiuitatis · et Concepcionis · Suadeatur eciam ieiunium in vigilia Viſitacionis Beate Marie · In vigiliis horum Apoſtolorum · ſcilicet · Andree · Thome · Mathie · Petri et Pauli · Jacobi · Bartholomei · Mathei · Symonis et Jude · Inſuper in his vigiliis · videlicet · Natalis

Domini · Penthecoftes · Natiuitatis Sanɫti Johannis Baptifte · Sanɫti Laurencij · Omnium Sanɫtorum · Et fi que vigilia in Dominica contingunt · Sabbato precedente ieiunare debemus et nunquam in Dominica · Infuper in fefto Sanɫti Marci extra ebdomidam Pafche contingente · et in Rogacionibus ab efu carnium faltem abftinere jubemur ·

Declaratio pro portione canonica pro confirmatione teſtamentorum ·

[166. In Dei nomine Amen · Nouerint uniuerſi ad quorum noticiam preſentes litere peruenerint quod anno ab Incarnatione Domini milleſimo quadringenteſimo viceſimo indictione decima tercia menſis Julij die decima ſexta pontificatus ſanctiſſimi in Chriſto patris ac domini noſtri Domini Martini diuina prouidentia pape quinti anno tertio congregata fuit apud Perth in eccleſia Fratrum Predicatorum Synodus Prouincialis et Conſilium Generale cleri regni Scotie prout moris eſt · In quo Conſilio poſt Miſſam et inuocationem Sancti Spiritus a[c] ſermonem ad clerum concorditer electus fuit in Conſeruatorem Preuilegiorum · reuerendus in Criſto pater dominus Willelmus Dei gratia Dunblanenſis Epiſcopus · preſentibus in Chriſto patribus dominis Dei gratia Epiſcopis Henrico videlicet Sancti Andree Willelmo Glaſguenſi Roberto Dun[kelde]nſi Gilberto Aberdonenſi Waltero Brechinenſi . nec non procuratoribus dominorum Epiſcoporum Henrici Morauienſis Thome Candidecaſe Alexandri Cathanenſis ac Johannis electi confirmati Roſſenſis · preſentibus etiam venerabilibus patribus Priore Sancti Andree et Abbatibus monaſteriorum de Camyſkynnet de Lundoris de Cupro de Newbottle ac procuratoribus Abbatum de Dunfermlynge de Calcow de Melroſs de Sancta Cruce de Aberbroith de Ghedworth de Driburch et de Paſlate · necnon quamplurimis Decanis Archidiaconis Prioribus monaſteriorum et maiore parte cleri que in Conſilio et Synodo Generali conſueuit congregari · perlectiſque priuilegiis et ſtatutis continuatoque Conſilio · petiit prefatus Dominus Conſeruator declarari que conſuetudo in ſingulis dioeceſibus in confirmatione teſtamentorum retroactis temporibus conſueuit obſeruari · Et ad declarationem huiuſmodi faciendam per antiquiores de clero de ſingulis dioeceſibus in ſuis conſcientiis per juramentum ad Sancta Dei Euangelia onerauit · Qui omnes auiſati concorditer declarauerunt quod Epiſcopi et ordinariam habentes juriſdic-

tionem confueuerunt a tam longo tempore de cuius contrario non eft memoria hominum confirmare teftamenta et codicillos decedentium fubditorum fuorum teftantium · et decedentibus ab inteftato dare executores · infuper fequeftrari facere defunctorum bona quoufque teftamenta ipforum forent Ordinariis prefentata et ab eiis fi legitime effent confirmata · Item confueuerunt petere ab executoribus tam teftantium quam decedentium ab inteftato de fideli juramento facto vel faciendo juramentum infuper quod fideliter exequentur juxta poffe rationabilem defuncti voluntatem · Item quod parati erunt reddere Ordinario racionem et illis quorum intereft de commiffa fibi adminiftratione quando fuper hoc fuerint moniti feu debite requifiti · Que premiffa afferebant notoria et manifefte obferuata et de eis erat vox publica et communis fama · Et quia de quota foluenda fuit queftio facta · deliberatum fuit quod de bonis defunctorum mobilibus confueuerunt fieri tres partes de quibus folutis debitis fi fuerint uxor et filii confueuit uxor habere unam tertiam bonorum mobilium filii autem et liberi unam alteram tertiam · Et de tertia parte que remanebat confueuerunt executores difponere pro exequiis et anima defuncti et legata perfoluere · De qua tertia parte defuncti confueuerunt executores perfoluere Ordinariis pro confirmatione teftamenti et laboribus fibi incumbentibus duodecim denarios de libra vel faltem componere pro eadem · Quam confuetudinem ut laudabilem rationabilem confuetam et approbatam decreuit ipfe Confueruator a clero et populo debere obferuari · rogando dictos Epifcopos prefentes cum congregatione Synodi prefens decretum fuis figillis attenticis communiri · Acta fuerunt hec in Confilio predicto anno indictione menfe die et pontificatu fupradictis · Teftibus predictis Dominis Epifcopis qui fua appofuerunt figilla necnon Magiftris Thoma de Lawadir et Johanne Brekbell notariis publicis ad premiffa rogatis pariter et requifitis ·

[Declaracio veteris consuetudinis Regie in presentacionibus beneficiorum sedibus vacantibus ·]

[167.] Vniuersis sancte matris ecclesie filijs ad quorum noticias presentes litere peruenerint Thomas Dei et Apostolice sedis gracia Episcopus Abirdonensis ac Conseruator Priuilegiorum ecclesie Scoticane salutem in Domino et presentibus fidem indubiam perhiberi · Cum equitate et justicia suadentibus ac vtriusque juris pagina dictante pium sit testimonium perhibere veritatj in hijs saltem que temporibus posteris ad memoriam producenda sunt que antea in dubium verterentur Hinc est quod coram nobis presidentibus in Consilio clerj ecclesie supradicte solito more apud Perth celebrato anno et die infrascriptis pro parte illustrissimi principis ac dominj nostri Dominj Jacobj secundj Regis Scotorum illustrissimj comparuerunt nobilis et potens dominus Patricius dominus le Grahame miles et Magister Archibaldus Quhitelaw nuncij vt asseruerunt a Regia sua Maiestate ad infrascripta specialiter missi petentes instantissime a nobis et clero nobiscum existente Consilium representantibus declaracionem veteris consuetudinis Regie in presentacionibus beneficiorum sedibus vacantibus alias vt asserebant celsitudini sue declaratam in Consilio generalj cleri celebrato apud Perth anno Dominj millesimo cccc^mo^ lvij° Nosque peticioni nunciorum predictorum debita cum reuerencia vt decuit [annuentes] super petitis ac propositis per eosdem inquisicionem fecimus deligentem a clericis et clero ex tunc presentibus Qui vero in suis juramentis interrogatj vniformiter deposuerunt et per se determinauerunt quod in Consilio superius dicto videlicet in anno Domini millesimo cccc^mo^ lvij° illustrissimus dominus noster Rex supradictus erat in possessione ex veterj et prisca consuetudine presentandj ad omnia vacancia beneficia quouismodo vacantibus sedibus ad ecclesiasticum patron[at]um et collacionem ordinariam pertinentia infra regnum Scocie donec ad temporalitatem Episcopi admittantur et ad

electiua fecularia eciam fi maiora poft pontificales et ad alia generaliter feu fpecialiter qualitercunque referuata Et hoc omnibus quorum intereft vel intereffe poterit quomodolibet in futurum tenore prefencium in Domino atteftamur In quorum omnium et fingulorum fidem et teftimonium ad inftanciam et requificionem nunciorum fupradictorum nomine Regio aftancium et requirencium has literas noftras ad futuram memoriam fibj fieri fecimus patentes fignis et fubfcripcionibus notariorum fubfcriptornm fubfcriptas et fignatas ac appenfione figillj noftri roboratas apud Perthe xix° die menfis Julij et vltimo Confilij fupradicti anno Dominj millefimo cccc^mo^ lix° indictione feptima pontificatus fanctiffimi in Chrifto patris et dominj noftri Dominj Pij diuina prouidentia pape fecundj anno primo Prefentibus in premiffis reuerendo in Chrifto patre et domino Domino Georgio miferacione diuina Epifcopo Brechinenfi cancellario Scocie venerabilibus viris et dominis Magiftro Waltero Stewart archidiacono Sanctiandree Magiftro Thoma Vaus decano Glafguenfi Magiftro Laurencio Piot archidiacono Abirdonenfi et Magiftro Martino Vaus cum multis aliis etc ·

Collacionata cum copijs Donaldj Rede fcribe dicti Confilij et Johannis Patricij notarij publicj ·

Concilium Provinciale, per Prælatos et clerum regni Scotiæ, apud Edinburgum, factum anno Domini 1549.

Admonuit nos salubriter Divus Paulus, ut, qui ipsius ac ceterorum Apostolorum vices gerere dignoscimur, huic nosmetipsos præcepto quam primum accommodare nitamur: *Attendite*, inquit, *vobis et universo gregi, in quo vos Spiritus Sanctus posuit Episcopos, regere ecclesiam Dei quam acquisivit sanguine suo.* Quocirca præsens hujusce regni Ordinariorum, Prælatorum, et aliorum ecclesiasticorum et cleri Conventio in Spiritu Sancto congregata, conformiter Apostolico huic præcepto, ad Dei gloriam, ecclesiastici status tranquillitatem resarciendam, ac integritatem conservandam, intente animadvertens quam plurimas hæreses in greges Dominicos, pastoralibus eorum curis commissos, crudeliter grassari, volensque easdem ab ipsis velut radicibus funditus extirpare, prudentis medici exemplo agendum fore decrevit, ut primum studiosa meditatione tantorum malorum, quibus ecclesiastici mores pridem corrupti sunt, causas et occasiones indagandas curet, deinde ut [de] opportunis remediis cogitet et provideat. Et cum [duæ] potissimum malorum causæ et radices appareant, quæ tantas nobis turbas [et] hæresium occasiones excitavere, nimirum in personis ecclesiasticis, omnium fere graduum, morum corruptela ac vitæ profana obscænitas, cum bonarum literarum artiumque omnium crassa inscitia, atque ex his præsertim duobus capitibus multi abusus oriuntur: hæc Sancta Synodus ac Provinciale Concilium hisce malis, quoad pro temporum occasione liceat, remedia et modum ponere statuit. Ad laudem

igitur et gloriam Omnipotentis, morum in ecclesia Scoticana reformationem, et hæresium extirpationem, die Mercurii vicesima septima mensis Novembris, anno Domini millesimo quingentesimo quadragesimo nono, in templo Fratrum Prædicatorum Edimburgensi, Sancti Andreæ diœcesis, habita et facta fuit Conventio reverendissimi et reverendorum venerabiliumque in Christo patrum et dominorum Ordinariorum, Prælatorum, aliorumque spectabilium et eximiorum virorum ecclesiasticorum, et de clero infrascriptorum, Generalem hujus regni Conventionem et Concilium Provinciale Archiepiscoporum et Episcoporum, Ordinariorum, Prælatorum et aliorum ecclesiasticorum et de clero pro tempore facientium et repræsentantium; venerabili et reverendissimo in Christo patre et domino Joanne Sancti Andreæ archiepiscopo, totius regni Scotiæ primate, legato nato, [et] monasterii a Pasleto abbate, Concilium indicente et præsidente.

Nomina Episcoporum, Vicariorum Generalium sedium vacantium, Abbatum, Priorum, Commendatariorum, Doctorum, Licentiatorum et Bacchalariorum in Theologia.

Episcopi sequuntur.

[168.] Willelmus Aberdonensis.
Patricius Moraviensis, commendatarius a Scona.
Andreas Candidæ Casæ, et Capellæ Regiæ Strivilengensis.
Willelmus Dumblanensis.
Robertus Orchadensis, commendatarius a Kinlos.
Willelmus electus Lesmorensis confirmatus.

Vicarii Generales sedium vacantium.

Magister Gavinus Hamiltoune, ecclesiæ metropolitanæ Glasguensis decanus, et ejusdem sede vacante vicarius generalis.

Magister Jacobus He[pburn], decanus Dunkeldensis, et ejusdem sede vacante vicarius generalis.

Abbates, Priores, et Commendatarii.

Jacobus prioratus ecclefiæ primatialis Sancti Andreæ commendatarius.

Jacobus a Calco et Melros commendatarius.

Georgius a Dumfermling commendatarius, archidiaconus Sancti Andreæ primatialis.

Malcolmus prior Quythornenfis.

Donaldus abbas de Cupro.

Quintinus abbas monafterii Crucis Regalis.

Galterius abbas Vallis Lucis.

Alexander prior Plufcardenfis.

Willelmus commendatarius de Culros.

Jacobus abbas de Neubottle.

Adam abbas de Dundrannan.

[Robertus] abbas de Deir.

Joannes prior de Muny[mufk].

Doctores in Theologia, Licentiati et Baccalaurei.

Magister Petrus Sacellanus, collegii Sancti Salvatoris infra civitatem Sancti Andreæ canonicus ac præpofitus ejufdem coadjutor, doctor Theologus.

Magifter Joannes Gryson, Sacrarum Litterarum profeffor.

Magifter Joannes Winram, ecclefiæ primatialis Sancti Andreæ canonicus regularis et fubprior, in Theologia doctor.

Frater Richardus Marchell, Anglus, Divinarum Litterarum profeffor.

Frater Robertus Liech, ordinis Prædicatorum, in Theologia licentiatus.

Magifter Willelmus Cranftoune, præpofitus de S[etoun], in Theologia licentiatus.

Magifter Alexander Anderfon, collegii Aberdonenfis Univerfitatis fupprimarius, in Theologia licentiatus.

Magifter Alexander Dick, Sacrarum Litterarum baccalaureus.

Magifter Joannes Mayr, decanus facultatis theologiæ Univerfitatis Sancti Andreæ, et Martinus Balfour, doctores in Theologia, annofi, grandævi et debiles, comparuerunt per procuratores.

Nomina Religioforum, et Secularium Beneficiatorum, ac Notarij.

Ordines Prædicatorum.

[169.] Joannes G[re]fouin, provincialis.
Frater Robertus Lieche.
Frater Andreas Abirchromby.

Ordines Minorum de Obfervantia.

Frater Joannes Paterfon, minifter generalis.
Frater Andreas Cottis, guardianus dicti Ordinis apud Sanctum Andream.
Frater Jacobus Winchefter, guardianus apud Perthe.
Frater Joannes Scott.

Ordines Conventualium.

Ordines Sancti Auguftini.
Ordines Sanctiffimæ Trinitatis de Redemptione Captivorum.
Ordines Carmelitarum.

[Seculares Beneficiati.]

Magifter Joannes Spittell, præpofitus Beatæ Mariæ de Campis, officialis Sancti Andreæ principalis, ac rector Univerfitatis Sancti Andreæ.
Magifter Abraham Creichtoun, præpofitus de Dumglas, officialis Sancti Andreæ infra archi[diaconatum Laudoniæ].
Magifter Jacobus Hamiltoune, decanus Brechinenfis.
Magifter Joannes Sinclare, decanus a Reftalrig.
Magifter G[eorg]ius Hay, decanus de Dombar.

Magifter Willelmus Lamb, rector a Conve[th].
Magifter Joannes Thornetoun, præcentor Moravienfis.
Magifter Joannes Stevinftoune, præcentor Glafguenfis.
Dominus Georgius Cryghton, præpofitus Sanctiffimæ Trinitatis prope Edimburgum.
Magifter Patricius Myrtoune, archidiaconus Aberdonenfis.
Magifter Alexander Erfkyne, fubdecanus et officialis Dumkeldenfis.
Magifter Archibaldus Boy[d], præpofitus de Dal[keth].
Magifter Alexander F[o]rret, præpofitus de F[ou]lis.
Magifter Joannes Macca[w], archidiaconus Lefmorenfis.
Magifter Arthurus Talzefere, canonicus Aber[don]enfis.
Dominus Nicolaus Ro[fs], præpofitus de Tayne.
Dominus Andreas Dickfoune, canonicus Dunkeldenfis.

Dominus Hugo Cur[r]ye, commendatarius de Stratfillan.
Dominus Andreas David, eruditus et ftudiofus in Theologia.
Magifter Joannes Macquin, Divinarum Scripturarum interpres.
Dominus Robertus Lidel, fubprior de Melros ordinis Ciftercienfis.

Secretarius et Notarius in Concilio, Andreas Elephantus.

Qui omnes convenientes, Miffa primitus folemni ibidem in dicto templo Fratrum Prædicatorum Edimburg[enf]i, de mandato reverendiffimi Domini Archiepifcopi, primatis et legati nati, præfidentis, pro Divina gratia fundenda, felicique incremento et fucceffu rerum gerendarum in præfenti Concilio feu Synodo, cantata et finita, fimul unanimiter egredientes, fe in aulam five fecretarium refectionis dictorum Fratrum contulerunt, et ibidem omnibus in fuo ordine fedentibus, et exclufis excludendis, habita fuit [concio] per .... endum eruditiffimum in Sacris licentiatum.

Brevis præfatio hujufmodi Concilii Provincialis: approbatio ftatutorum editorum apud Linlithquo.

[170.] Et ea concione feu exhortatione facta, dicta Synodus acta, ftatuta et ordinata in priori Conventione Generali feu Concilio Provinciali, per eos apud Linlithqw, in menfe Augufti ultimo elapfi, celebrato, ac in eo interim fieri ordinata et injuncta, fic ut unicuique ipfius Concilii membro et fubdito innotefcant, de verbo ad verbum, per Synodi Notarium, diftincte et alta voce legi et relegi fecit etc. Quæ omnia præmiffa ftatuta ut quæ prius decreta et juffa fuerunt, præfens Sancta Synodus, unanimiter approbans et ratificans, nonnulla eorum auxit et ampliauit, ac alia quædam de novo inftituit, ut fequuntur.

Sequuntur acta ordinata in præfenti Concilio et ejus diverfis feffionibus, et in primis circa reformationem morum.

De incontinentia ecclefiafticorum, et concubinarijs.

[171.] Hæc præfens Synodus provide attendens quam conftet ex clericorum incontinentia graviffima ecclefiæ fcandala effe exorta, proinde, pro hujufmodi macula repurganda, ftatuit decretum illud Concilii Bafilienfis *De Concubinariis*, feffione vicefima, ad unguem obfervandum et executioni demandandum. Cujus decreti tenor fequitur in hæc verba: *Sacrosancta Basiliensis generalis Synodus, in Spiritu Sancto legitime congregata, universalem ecclesiam repræsentans, ad perpetuam rei memoriam*, statuit ut, *Quicumque clericus, cujuscumque status, conditionis, religionis, dignitatis, etiamsi Pontificalis vel alterius præeminentiæ existat, qui post hujus constitutionis notitiam, quam habere præsumatur, per duos menses post publicationem ejusdem in ecclesiis cathedralibus, quam ipsi diœcesani omnino facere teneantur, postquam eadem constitutio ad eorum notitiam pervenerit, fuerit publicus concubinarius, a perceptione fructuum omnium*

suorum beneficiorum, trium mensium spatio, sit ipso facto suspensus: quos suus superior in fabricam vel aliam evidentem ecclesiarum utilitatem, ex quibus hi fructus percipiuntur, convertat: necnon et hujusmodi publicum concubinarium, ut primum esse talem innotuerit, mox suus superior monere teneatur, ut intra brevissimum terminum concubinam dimittat. Quam si non dimiserit, vel dimissam aut aliam publice resumpserit, jubet hæc Sancta Synodus ut ipsum suis omnibus beneficiis omnino privet. Et nihilo minus hi publici concubinarii, usquequo cum eis per suos superiores, post ipsarum concubinarum dimissionem, manifestamque vitæ emendationem, fuerit dispensatum, [*ad susceptionem*] *quorumcumque* [*bonorum,*] *dignitatum, beneficiorum vel officiorum sint inhabiles. Qui si, post dispensationem, recidivo vomitu ad hujusmodi publicum concubinatum redierint, sine spe alicujus dispensationis, ad prædicta prorsus inhabiles existant.*

De pœna Ordinarij negligentis; et qui publici concubinarij.

[172.] *Quod si hi, ad quos talium correctio pertinet, eos* (*ut prædictum est*) *punire neglexerint, eorum superiores tam in ipsos de neglectu, quam in illos pro concubinatu, modis omnibus digna punitione animadvertant. In Conciliis etiam Provincialibus et Synodalibus adversus tales punire negligentes, vel de hoc crimine diffamatos,* [*etiam*] *per suspensionem a collatione beneficiorum vel alia condigna pœna severiter procedatur. Et si hi, quorum destitutio ad Summum Pontificem spectat, per Concilia Provincialia aut suos superiores propter publicum concubinatum reperiantur privatione digni, statim, cum processu inquisitionis, ipsi Summo Pontifici deferantur. Ea*[*dem*] *diligentia et inquisitio in quibuscumque capitulis generalibus et provincialibus quoad suos servetur, pœnis aliis contra prædictos et alios non publicos concubinarios statutis in suo robore permansuris. Publici autem intelligendi sunt, non solum hi quorum concubinatus per sententiam aut confessionem in jure factam, seu per rei evidentiam, quæ nulla possit tergiversatione celari, notorius est; sed qui mulierem de incontinentia suspectam et infamatam tenet, et, per suum superiorem admonitus, ipsam cum effectu non dimittit.* Cum hoc nunc in præ-

ſenti Concilio addito, quod Ordinarii locorum in clericos non beneficiatos ſed ſacris ordinibus initiatos pœnis arbitrariis animadvertent, juxta perſonarum inſordeſcentium qualitatem, contemptum, et in ſimilibus delictis perſeverantiam.

Pœna pecuniaria non exigenda pro delictis.

[173.] *Quia vero [in quibusdam regionibus] nonnulli jurisdictionem ecclesiasticam habentes, pecuniarios quæstus a concubinariis percipere non erubescunt, patiendo eos in tali fœditate sordescere: sub pœna maledictionis æternæ præcipit, ne deinceps sub pacto, compositione, aut spe alicujus quæstus talia quovismodo tolerent aut dissimulent: alioquin, ultra præmissam negligentiæ pœnam, duplum ejus quod propterea acceperint, restituere ad pios usus omnino teneantur et compellantur. Ipsas autem concubinas, seu mulieres suspectas, Prælati modis omnibus curent a suis subditis, etiam per brachii secularis auxilium, si opus fuerit, penitus arce[re]: qui etiam ex tali concubinatu procreatos filios apud patres suos cohabita[re] non permittant. Jubet insuper hæc Sancta Synodus, ut etiam in prædictis Synodis et capitulis hæc constitutio publicetur, et quilibet suos [subditos] ad ipsarum concubinarum dimissionem [moneat] diligenter. Injung[a]t præterea omnibus secularibus viris, etiamsi Regali præfulgeant dignitate, ne ullum qualecumque inferant impedimentum, quocumque quæsito colore, Prælatis qui, ratione sui officii, adversus suos subditos, pro hujusmodi concubinatu procedunt. Et cum omne fornicationis crimen lege Divina prohibitum sit, et sub peccati mortalis pœna necessario evitandum, monet omnes laicos, tam uxoratos quam solutos, ut similiter a concubinatu abstineant. Nimis enim reprehensibilis est qui uxorem habet, [et] ad alienam mulierem acced[i]t:* QUI VERO SOLUTUS EST, SI CONTINERE NOLIT, *juxta Apostoli consilium,* UXOREM DUCAT. *Pro hujus autem Divini observatione præcepti, hi, ad quos pertinet, tam salubribus monitis quam aliis canonicis remediis omni studio laborent.* Et hoc ipſum, in dicto præmiſſo decreto contentum, in præmiſſis etiam monialibus hujus regni, prout congruit, præſens Conventio ſtatuit et decrevit obſervari.

Proles concubinarias in ſuis conſortiis clerici non teneant.

[174.] Item hortatur hæc Synodus, ne qui Prælati aut alii eccleſiaſtici inferiores proles ſuas, ex concubinatu ſuſceptas, in ſuis conſortiis teneant, nec in ſuis eccleſiis directe vel indirecte promoveri patiantur, neque eas baronibus, quovis quæſito colore, in conjugium de Chriſti patrimonio jungant, ſeu barones efficiant.

Ne clerici vel monachi ſecularibus negotiis ſeſe immiſceant.

[175.] Similiter ordinatum eſt, ne ullus eccleſiaſticus, habens unde, juxta ſuum ſtatum, honeſte vivere poſſit, immiſceat ſe ſecularibus negotiis, præcipue mercaturam exercendo, aut lucri cauſa, ut empta revendat, emens, alienave prædia conducendo, quo ruſticis laboribus a ſpirituali exercitio, propria cura neglecta, abſtrahatur.

De veſtibus clericorum.

[176.] Item ut beneficiati et in ſacris ordinibus conſtituti byrretis rotundis, veteri clericorum more, dumtaxat utantur, pileoſque in eccleſiis et potiſſimum in choris et tempore Divinorum omnino deponant; nec veſtes ut puta caligas et diploides, vel alias ſectas, vel colorum prohibitorum, ut flavi, viridis, et id genus diſcoloris, deferant: togas in eccleſiis, civitatibus, oppidis et villis inſignioribus portent longas et talares; itinerando vero togas habeant curtas et manicatas, ſalva tantum loci et temporis neceſſitate; camiſias habeant albas et albæ ſuturæ, ſub pœna ſuſpenſionis in preſbyteros, et excommunicationis in alios, per locorum Officiales, Commiſſarios et Decanos declarandæ; a quibus quidem pœnis non abſolvantur, niſi prius præſtita cautione de abſtinendo in futurum ſub pœna arbitraria, judicis arbitrio, juxta qualitatem perſonarum, infligenda, pro prima vice; et

deinceps, inobedientia crefcente, augeatur et pœna. Super quibus per fingulos Decanos in eorum vifitationibus, et fi opus fuerit, fiat diligens inquifitio; et qui culpabiles inventi fuerint, poft duos menfes a publicatione præfentis ftatuti, puniantur ut fupra. Si autem Decani in præmiffis deficiant, five ordinationis negligentes fint comperti, Officiales tunc, feu Ordinariorum Commiffarii, in eos ad fuum arbitrium feverius animadvertant.

Contra nutrientes barbas, et non portantes tonfuram.

[177.] Hæc Sancta Conventio, variis adducta argumentis et rationibus circa barbarum ufum propofitis, univerfos et fingulos hujus provinciæ clericalis fortis et ecclefiafticos per locorum Ordinarios attente hortari decrevit, ut, fui ftatus et conditionis rationem habentes, ut frequentes obtrectationes contra barbatos compefcantur, utque clerici a laicis diftincti appareant, eorum barbas tondendas curent; utque finguli clerici, faltem in facris initiati ordinibus, rafuram congruam in coronis habeant.

De temperantia in victu clericorum.

[178.] Item præfens Conventio hortatur omnes hujufce regni Prælatos, et alios ecclefiafticos beneficiatos, ut in pofterum parcius et moderatius in eorum menfis vivant, omnium efculentorum et poculentorum exquifita fuperfluitate juxta unius cujufque ftatum et præeminentiam rejecta, ut et largius et liberalius pauperibus in eorum neceffitatibus fubveniatur, publicamque jejuniorum ab ecclefia indictorum violationem et in fe et in fuis familiis evitent, ne ex hoc de cetero eorum malo exemplo laici fcandalifentur.

Lectio Divinarum literarum in mensa.

[179.] Precaturque in ecclesiasticorum mensis frequentiores lectiones Sacrarum Scripturarum [fieri], juxta decretum Toletani Concilii tertii, cujus tenor est talis : *Pro reverentia Dei et sacerdotum* [*id*] *universa constituit Synodus, ut, quia solent crebro mensis otiosæ fabulæ interponi, in omni sacerdotali convivio, lectio Divinarum Scripturarum immisceatur. Per hoc enim* [*et*] *animæ ædificantur ad bonum, et fabulæ non necessariæ prohibentur.*

De gravitate habituum clericorum.

[180.] Item hortandi sunt Prælati et ecclesiastici omnes, ut dehinc graviores solito portent habitus, qui potius lanei sint, decentis coloris, quam serici, gravitatem præ se ferentes ; meminerintque illius versiculi Divi Bernardi, videlicet :

Discite, Pontifices, in freno quid facit aurum.

De clericorum servis.

[181.] Item curent Prælati ut tales in eorum familiares continuosque domesticos alant et teneant, qui non aleatores, scortatores publici, ebrii, pugnaces, scurræ, noctivagi, aut Divini nominis blasphematores, execrabilibusque juramentis assueti reputentur ; sed qui Catholici, probæ vitæ ac bonorum morum et conversationis honestæ habeantur, in bonorum exemplum et iniquorum terrorem ; *Quum*, ut ait Bonaventura, *insolentia familiæ patrisfamilias dedecus videtur.*

De visitationibus monasteriorum, et inquisitione contra exemptos.

[182.] Jam statutum est insuper, ut singuli locorum Ordinarii, quam primum poterunt, visitent monasteria canonicorum regularium, monachorum non

exemptorum, et monialium, ad effectum, ut quæ inibi corrigenda compererint, in fequenti et proximo Concilio five Conventione per vifitationis chartam referant. De exemptis vero, ut qui quid per inquifitionem in vicinis parochiis ex publica voce et fama contra honeftatem vitæ monafticæ, et debitam loci reparationem redituumque adminiftrationem deprehenderint, fimiliter Concilio futuro infinuetur, ut ex hoc de remedio profpiciatur opportuno. Et qui prætendunt exemptiones in talibus monafteriis, ut eafdem una cum numero religioforum, Commendatarii, et illa in commendas obtinentes, ut fuas provifiones in dicto futuro Concilio exhibeant, ad effectum confiderandi et intelligendi ad quid ipfi vigore fuarum provifionum teneantur, et quatenus privilegiis fit deferendum. Et circa hæc præfens Conventio exhortatur in Domino omnes et fingulos Abbates, Priores, Commendatarios, Adminiftratores locorum exemptorum, quum conftet regularem et monafticam difciplinam, magna ex parte, negligentia eorum qui illis fuperintendere tenentur, labefactam et collapfam effe, quatenus ipfi et eorum quilibet, prout decet bonos paftores, vitam, mores, devotionem et ftudia religioforum reformanda, et ad primum religionis ftatum reducenda curent, quo inibi et devotio vigeat, et populi murmur devitetur.

De apoftatis revocandis.

[183.] Simili modo mandat præfens Conventio omnibus et fingulis Abbatibus, Prioribus, Commendatariis, Adminiftratoribus, Miniftris et locorum Præfidentibus, quatenus ipfi et eorum quilibet omnimodam diligentiam faciant pro perquirendis et comprehendendis fuis apoftatis et fugitivis, qui extra loca eis fubjecta aufugerint; auxilium Ordinariorum illorum locorum, in quibus exiftunt, ad effectum comprehenfionis et reductionis eorum invocent; et, fi id per ipfos fieri non poffit, auxilium fecularis poteftatis per ipfos Ordinarios imploretur.

De monialibus apoſtatis ſimiliter revocandis.

[184.] Item ſtatutum eſt ut Ordinaria authoritate compellantur omnes Prioriſſæ monialium, ut quam primum diſperſas ſuas moniales in unum congregent reſpective, ad effectum, ut cum ipſis ſimul cohabitent et ſuſtententur, vel in aliis locis monialium hujus regni pacificis collocentur, Prioriſſæ impenſa ſuſtentandæ.

De criminibus puniendis cum invocatione brachii ſecularis.

[185.] Item contra adulteros, inceſtuoſos, ſacrilegos notorios ordinat hæc Conventio, ut primum Prælatorum [exhortationibus] charitative admoneantur ad vitæ emendationem; et, ſi nihilominus in ſuis publicis criminibus poſtea inſorduerint, fulminentur monitoriales cum omnibus cenſuris eccleſiaſticis, etiam cum interdicto, quam c[i]tiſſime fieri poſſit; ad quod etiam, ſi opus fuerit, auxilium brachii ſecularis invocetur. Et ſuper hujuſmodi publicis exceſſibus diligentem per Decanos inveſtigationem fieri ordin[a]t: ſi non licet in delinquentium eccleſiis, ſaltem in vicinis eccleſiis ſit talis indagatio.

De viſitationibus.

[186.] Preterea conſtituit hæc Conventio, quia nonnunquam tales, ut præfertur, publici exceſſus, tam majores quam minores, per Decanos et alios viſitatores occultari et diſſimulari dicuntur, eo quod pecuniarios quæſtus a concubinariis et adulteris accipere non erubescant, faciendo eos in tali fœditate ſordeſcere, quod Decani, ante ſuſceptionem ſui officii, jurent de fideli ejus adminiſtratione in omnibus; et cum exceſſus majores eorumdem Commiſſariis deferant, non prius recipiantur ab eis, quam illi denuo jurati fuerint, quod omnes et ſingulos exceſſus majores, tam publicos quam privatos, ſibi per

affifas et inquifitiones utrobique delatas, abfque gratia aut favore, prece vel pretio, nullis penitus omiffis, Commiffiariis tradant; qui fi reperti fuerint in præmiffis culpabiles, perjurii, amiffionis officii, aliifque arbitrariis pœnis per Ordinarium infligendis fubjaceant. Et fuper hoc follicite inquirant Commiffarii, prout Domino Ordinario funt refponfuri.

De glebis ecclefiafticis non dandis in feodum vel emphiteofim.

[187.] Ne non refidentia, vicariorum, rectorum, et præbendariorum, in animarum curis et facramentis ecclefiæ miniftrantium, adminiftrationes negligantur, ftatutum eft, ut nullæ fiant infeudationes feu emphiteutariæ locationes, vel ad longum tempus affedationes, quarumcumque glebarum feu terrarum ecclefiafticarum, aliquarum rectoriarum, vel vicariarum, per ipfos rectores vel vicarios impofterum, nifi prius bonis caufis in Generali aut Prouinciali Concilio feu Synodo capitulariter tractatis, ac in earundem ecclefiarum vtilitatem vergentibus, nec folum in particulare commodum ipforum poffefforum, fed etiam pro perpetuo fuorum fucceflorum: alias ne tales infeudationes feu locationes per Ordinarios vel capitula admittantur ullo modo vel authorifentur; quæ, fi factæ fuerint, pro nullis reputentur. Et quoad longas affedationes novemdecim annorum de et fuper fructibus et decimis garbalibus dignitatum ecclefiarum cathedralium poft pontificales majorum, præbendarum, et rectoriarum particularium, a menfis epifcopalibus et abbatialibus feparatis, præfens Conventio eafdem fieri ufque ad proximam Conventionem Generalem vel Concilium Provinciale ftatuendum, inchoandum, et celebrandum, penitus prohibet; et ne Ordinarii feu capitula interim aliquas hujusmodi admittant feu authorifent, et fi quas interea fieri contigerit, nullæ et invalidæ fint; et qui contra præmiffa intereffe prætenderint, a proximo Concilio audiantur etc.

Circa neglectæ doctrinæ reformationem, Divinique verbi ministerium; et de Theologo in qualibet ecclesia.

[188.] Præsens Conventio mature avisata, actis Concilii Tridentini, [in] sessione qu[in]ta, inhærens, ad hæreses reprimendas, et ad ædificationem Christi fidelium in verbis doctrinæ Evangelicæ, statuit et ordinat, ut quilibet Episcopus et loci Ordinarius in grege sibi commisso verbum Dei, juxta gratiam sibi a Domino concessam, per se saltem quater in anno, nisi legitimo præpeditus impedimento, ultra communes prædicationes, [quae] per alios ad id admissos fient, prædicet. Et si qui Ordinarii hactenus minus exercitati fuerint in prædicando, sese, quam primum fieri poterit, ad hujusmodi officium, tam proprio studio quam aliorum doctorum, reddant habiles, et ad hunc effectum viros in Sacris literis eruditos in suam familiam et contubernium ascifcant. Cujus quidem Concilii, acti seu decreti tenor sequitur in hæc verba: *Eadem Sacrosancta Synodus, piis summorum Pontificum et probatorum [Concil]iorum constitutionibus inhærens, easdemque amplectens, et illis adjiciens, ne cœlestis ille Sacrorum librorum thesaurus, quem Spiritus Sanctus sua liberalitate hominibus tradidit, neglectus jaceat; statuit et decrevit, quod in illis ecclesiis, in quibus præbenda, aut præstimonium, seu ali[ud] quovis nomine nuncupatum stipendium, pro lectoribus Sacræ Theologiæ deputatum reperitur, Episcopi, Archiepiscopi, Primates, et alii locorum Ordinarii, eos qui præbendam, aut præstimonium, seu stipendium hujusmodi obtinent, ad ipsius Sacræ Scripturæ expositionem et interpretationem per seipsos, si idonei fuerint, alioquin per idoneum [substitutum], ab [ip]sis Episcopis, Archiepiscopis, Primatibus, et aliis locorum Ordinariis eligendum, etiam per substractionem fructuum, cogant et compellant. De cetero vero præbenda, præstimonium, [aut] stipendium hujusmodi non nisi personis idoneis, et qu[æ] per seipsas [id mun]us explicare possint, conferantur: et aliter fact[a] provisio nulla sit, et invalida. In ecclesiis autem Metropolitanis, vel cathedralibus, si civitas insignis, [vel] populosa, ac etiam in collegiatis existentibus in ali[qu]o insigni oppido, etiam nullius diœcesis, [si i]bi clerus numerosus*

fuerit, ubi nulla præbenda, aut præstimonium, seu stipendium [hu]jusmodi deputatum reperitur, præbenda qu[omodo]cumque, præterquam ex causa resignationis, primo vacatura, cui aliud onus incompatibile in[junctu]m non sit, ad eum usum ipso facto perpetuo constituta et deputata intelligatur. Et quatenus in ipsis ecclesiis nulla vel non sufficiens præbenda foret, Metropolitanus, vel Episcopus ipse per assignationem fructuum alicujus simplicis beneficii, ejusdem tamen debitis supportatis oneribus, vel per contributionem beneficiatorum suæ civitatis et diœcesis, vel alias, prout commodius fieri poterit, de capituli consilio ita provideat, ut ipsa Sacræ Scripturæ lectio habeatur, ita tamen, [ut] quæcumque aliæ lectiones, vel consuetudine, vel quavis alia ratione institutæ, propter id minime prætermittantur.

De Magiſtro Grammatices.

[189.] *Ecclesiæ vero, quarum annui proventus tenues fuerint, et ubi tam exigua est cleri et populi multitudo, ut Theologiæ lectio in eis commode haberi non possit, [saltem] magist[rum] habea[nt] ab Episcopo [cum] consilio capituli, eligendum, qui clericos aliosque scholares pauperes grammaticam gratis doceat; ut deinceps ad [ipsa] Sacræ Scripturæ studia, a[nnue]nte Deo, transire possint. Ideoque illi magistro grammatices [vel] alicujus simplicis beneficii fructus, quos tamdiu percipiat, quamdiu in docendo perstiterit, assignentur; dum tamen beneficium ipsum suo debito non fraudetur obsequio: vel ex capitulari, vel Episcopali mensa condigna aliqua merces persolvatur: vel alias Episcopus ipse aliquam rationem ineat suæ ecclesiæ et diœcesi accommodam, ne pia hæc, utilis atque fructuosa provisio quovis quæsito colore negligatur. In monasteriis quoque monachorum, ubi commode fieri queat, etiam lectio Sacræ Scripturæ habeatur. Qua in re si Abbates negligentes fuerint, Episcopi [locorum] in hoc, ut Sedis Apostolicæ delegati, eos ad id opportunis remediis compellant. In conventibus vero aliorum regularium in quibus studia commode vigere possunt, Sacræ Scripturæ lectio [similiter] habeatur: quæ lectio a capitulis generalibus vel provincialibus assignetur dignioribus magistris. In gym-*

nasiis [etiam] publicis, ubi tam honorifica, et ceterorum omnium maxime necessaria lectio hactenus instituta non fuerit, religios[issim]orum Principum, ac Rerumpublicarum pietate et charitate ad Catholicæ fidei defensionem et incrementum, sa[n]æque doctrinæ conservationem et propagationem instituatur: et ubi instituta foret, et negligeretur, restituatur.

Quo modo eligi debeat Lector publicus.

[190.] *Et, ne sub specie pietatis impietas disseminetur, statuit eadem Sancta Synodus, neminem ad hujusmodi lectionis officium tam publice quam privatim admittendum esse, qui prius ab Episcopo loci de vita, moribus et scientia examinatus et [ap]probatus [non] fuerit: quod tamen de lectoribus in claustris monachorum non intelligatur.*

Privilegia studentium in Theologia.

[191.] *Docentes vero ipsam Sacram Scripturam, dum publice in scholis docuerint, et scholares, qui in ipsis scholis student, privilegiis omnibus de perceptione fructuum præbendarum et beneficiorum suorum, in absentia a jure [communi] concessis, plene gaudeant et fruantur.*

De prædicatione verbi Dei populo.

[192.] *Quia vero Christianæ Reipublicæ non minus necessaria est prædicatio Evangelii, quam lectio, et hoc est præcipuum Episcoporum munus, statuit et decrevit eadem Sancta Synodus omnes Episcopos, Archiepiscopos, Primates et omnes alios ecclesiarum Prælatos teneri per seipsos, si legitime [im]pediti non fuerint, ad prædicandum Sanctum Iesu Christi Evangelium. Si vero contigerit Episcopos et alios præ[dic]tos, legitimo detineri impedimento, juxta formam Generalis Concilii viros idoneos assumere teneantur ad hujusmodi prædicationis officium salubriter exequendum. Si quis autem hoc adimplere contempserit, districtæ subjaceat ultioni.*

Archipresbyteri quoque, Plebani, et quicumque parochiales, vel alias curam animarum habentes ecclesias quocumque modo obtinent, per se, vel alios idoneos, si legitime impediti fuerint, diebus saltem Dominicis et festis solemnibus, plebes sibi commissas, pro sua et earum capacitate, pascant salutaribus verbis; docendo quæ scire omnibus necessarium est ad salutem, annuntiandoque eis, cum brevitate et fac[ili]tate sermonis, vitia quæ eos declinare, et virtutes quas sectari oporteat, ut pœnam æternam evadere, et cœlestem gloriam consequi valeant. Id vero si quis [eorum] præstare negligat, etiam si ab Episcopi jurisdictione quavis ratione exemptum se esse prætenderet; etiam si ecclesiæ quovis modo exemptæ dic[cre]ntur, aut alicui monasterio, etiam extra diœcesim existenti, forsan annexæ vel unitæ, modo reipsa in diœcesi sint, provida pastoralis [Episcoporum] sollicitudo non desit, ne illud impleatur: Parvuli petierunt panem, et non erat qui frangeret eis. *Itaque, ubi ab Episcopo moniti trium mensium spatio muneri suo defuerint, per censuras ecclesiasticas, seu alias, ad ipsius Episcopi arbitrium cogantur, ita ut etiam, si ei sic expedire visum fuerit, ex beneficiorum fructibus alteri, qui id præstet, honesta aliqua merces persolvatur, donec principalis ipse resipiscens officium suum impleat. Si [quæ] vero parochiales ecclesiæ reperiantur subjectæ monasteriis in nulla diœcesi existentibus; si Abbates et regulares Prælati in præ[dict]is negligentes fuerint, a Metropolitanis, in quorum provinciis diœceses ipsæ sitæ sunt, tanquam, quo ad hoc, Sedis Apostolicæ delegatis, compellantur: neque hujus decreti executionem consuetudo, vel exemptio, aut appellatio, [aut] reclamatio, sive recursus impedire valeat, quousque desuper a competenti judice, qui summarie, et sola facti veritate inspecta procedat, cognitum et decisum [fuerit]. Regulares vero cujuscumque ordinis, nisi a suis superioribus de vita, moribus et scientia examinati et approbati fuerint, ac de eorum licentia, etiam in ecclesiis suorum ordinum, prædicare non possint: cum qua licentia personaliter se coram Episcopis præsentare, et ab eis benedictionem petere teneantur, antequam prædicare incipiant.* Item: *In ecclesiis vero quæ suorum ordinum non sunt, ultra licentiam suorum superiorum, etiam Episcopi licentiam habere teneantur; sine qua in ipsis ecclesiis [non] suorum ordinum nullo modo prædicare possint: ipsam autem [licentiam] gratis Episcopi concedant.*

De pſeudoprædicatoribus.

[193.] *Si vero, quod absit, prædicator errores aut scandala disseminarerit in populum, etiam si in monasterio sui vel alterius ordinis prædicet, Episcopus ei prædicationem interdicat. Quod si hæreses prædicaverit, contra eum, secundum juris dispositionem, [aut] loci consuetudinem procedat; etiam si prædicator ipse generali vel speciali privilegio exemptum se esse prætenderet, quo casu [Episcopus] auctoritate Apostolica, [et] tanquam Sedis Apostolicæ delegatus, procedat. Curent autem Episcopi, ne quis prædicator vel ex falsis informationibus, vel [alias] calumniose vexetur, justam[ve] de eis conquerendi occasionem habeat. Caveant præterea Episcopi, ne aliquem, vel eorum, qui cum sint nomine Regulares, extra claustra tamen et obedientiam Religionum suarum vivunt; vel Presbyterorum Secularium, nisi ipsis noti sint, et moribus [atque] doctrina probati, [etiam] quorumlibet privilegiorum prætextu, in sua civitate vel diœcesi prædicare permittant, donec ab ipsis Episcopis super ea re Sancta Sedes Apostolica consulatur; a qua privilegia hujusmodi, nisi tacita veritate, et expresso mendacio, ab indignis extorqueri verisimile non est.*

[De Quæſtoribus eleemoſynariis.]

[194.] *Quæstores vero eleemosinarii, qui etiam Quæstuarii vulgo dicuntur, cujuscumque conditionis existant, [nullo modo] nec per se, nec per alium, [prædicare] præsumant; et contra facientes ab Episcopis, et Ordinariis locorum, privilegiis quibuscumque non obstantibus, opportunis remediis omnino arceantur.*

Quod rectores et Epiſcopi quater in anno per ſe prædicent.

[195.] Circa quæ quo frequentioribus Divini verbi prædicationibus inſtruatur populus, ſtatutum eſt, ut eccleſiarum parochialium rectores, qui judicio Ordinarii ad prædicandum fidei rudimenta ſuis parochianis habiles et idonei cenſebuntur, per ſe ſaltem, juxta ſtatuta Provincialia et Synodalia

pro prædicatoribus edita, quater in anno prædicent. Illis vero rectoribus, qui juvenes et inidonei ad id visi fuerint, per locorum Ordinarios injungatur, ut se ad hoc quam primum reddant per studia in gymnasiis publicis habiles, et interim per alios prædicatores, suis sumptibus, de licentia Ordinariorum admittendos, prædicare, et suas vices implere [faciant] in omnibus. Qui autem grandævi et doctrinæ incapaces sunt, hoc ipsum similiter per alios fieri procurent, quos etiam per suam præsentiam prædicantes authorisare oportebit, et hoc [ultra] communes instructiones seu prædicationes per vicarios seu curatos singulis Dominicis diebus et forsan aliis majoribus festis fiendas. De rectoriis porro, monasteriis, collegiatis ecclesiis, seu aliis piis locis in co[mmun]iis seu mensa capitulari unitis, ordinatum est ut Abbates, Priores et Commendatarii, Administratores, Præpositi, Decani, et Præbendati rectoriarum portionarii, per se vel eorum membra inferiora, seu alios eorum nomine, populum in fide instruendum curent, et id suis parochianis fieri procurent. Prioriss[as] autem monialium Archiepiscopo Sancti Andreæ [subjectas], ut a Sede Apostolica sententiatum est, sub pœnis in dicto Provinciali statuto et [aliis] statutis desuper editis, [ad idem teneri decrevit], quæ de novo publicari et præsentibus inseri in hac Sancta Synodo decretum est.

Quod in unaquaque ecclesia cathedrali sit Theologus, et Juris Canonici professor.

[196.] Concilium seu Conventio, verbi Divini seminationem insequens, pro sustentatione doctorum et eruditorum in Theologia, ac Jure Pontificio, apud ecclesias cathedrales et civitates, statuit, ut universi et singuli locorum Ordinarii apud suas ecclesias cathedrales habeant continue unum doctorem Theologum, licentiatum vel baccalaureum in Theologia, et similiter Canonistam in Jure Pontificio qualificatum; utque Theologus predictus omni die legibili, saltem in unaquaque hebdomada, in Sacris litteris publice legat, et interpretetur, ac tam in eadem cathedrali quam [in]

aliis ecclefiis prædicet, cu[i] interpretanti et prædicanti civitati[s] illius Epifcop[us] et canonici intereffe vol[ente]s inter[fin]t. Canonifta quoque fimiliter Jus Canonicum publice in dicta ecclefia ac civitate profiteatur, cui ipfi canonici et reliqui ipfius civitatis clerici interfint. Pro quorum Theologi et Canoniftæ fuftentatione quilibet Ordinarius deputabit aliquod beneficium de proximo vacaturum ad fuam difpofitionem fpectans infra fuam ecclefiam, ad valorem annuum pro Theologo ad minus centum librarum, pro Canonifta vero centum marcharum Scoticanæ monetæ, pro perpetuis futuris temporibus, ipfis et eorum fucceforibus in eifdem officiis remanfuris. Qui ambo Theologus et Canonifta legere et docere circa feftum Divi Michaelis, die [vicefimo nono] menfe Septembris proxime futuro incipient. Provifum eft [quoque] per hanc Synodum quod ufque ad vacationem beneficiorum prædictorum, ad præmiffum effectum difponendorum, quilibet Ordinarius fuis propriis fumptibus, a dicto fefto Divi Michaelis, honefte fuftentabit [præfatos Theologum et Canoniftam] ad ratam et quantitatem dictarum fummarum.

Quod in unoquoque monafterio unus fit Theologus.

[197.] Similique pro effectu, ad eundem modum, ut Sacrarum litterarum ftudia et virtutes ipfi Deo favorabiles, [in monafteriis], ut olim et interdum, fecundum Deum floreant, ordinatum eft ut finguli Abbates, Priores, Commendatarii, prælaturarum majorum Adminiftratores inveniant et fuftentent Theologum religiofum vel fecularem, qui, fingulis diebus, ut fupra, infra fepta monafteriorum Divinas literas, prout auditoribus expedierit, legere teneatur, et in ecclefiis ipfis monafteriis annexatis, ut præmittitur, prædicet. Prelati etiam, beneficia ad eorum difpofitionem fpectantia obtinentes, iifdem Theologis et eorum fucceforibus, pro [eorum] fuftentatione de beneficiis, ad valorem centum marcarum, provideant. Non habentes vero beneficia ad eorum difpofitionem et præfentationem ad prædictum effectum, cujufmodi funt illi Ciftercienfis ordinis, eundem

Theologum propriis impenſis, juxta præfatæ ſummæ facultatem, præfato Theologo honeſte, ſecundum ſtatuta ſui ordinis, ſuſtentando provideri curent; ea tamen lege adjecta, quod per hanc ordinationem eleemoſinæ conſuetæ religioſorum mendicantium et prædicantium non abſtrahantur vel diminuantur.

De quibus monaſteriis quot ad literarum ſtudia emittendi ſunt.

[198.] Item ut [in] monaſteriis de ſe etiam evadant et refloreant viri litterati et in Divino eloquio et paſtu animarum ſalutari concionatores, hæc Sancta Conventio præcipit ut ex uniuscujuſque hujus regni diœceſis monaſteriis, juxta ipſorum monaſteriorum facultates, tranſmittantur duo aut unus religioſi vel religioſus, ad litterarum capacitatem maxime habiles, et ingenioſi, ad Univerſitates omnes proximas vel alias, ut illis libuerit, ibidem ſaltem ad quadriennium in Theologia et Sacris literis ſtudendo remanſuri. Quo ſpatio completo, remittantur ad ipſas Univerſitates alii religioſi prædicti, pari modo litteris vacaturi.

Monaſteria præcipua e quibus ad litterarum ſtudia, præfati effectus cauſa, [religioſi] juxta monaſteriorum vires et facultates ſint emittendi, ſequentem per modificationem notantur.

Et primo de diœceſi Sancti Andreæ.

Ex monaſterio Prioratus Sancti Andreæ, . . .	religioſi 3.
Ex monaſterio de Abirbrothok, ...	3.
Ex monaſterio de Dumfermling, ...	2.
Ex monaſterio Sanctæ Crucis, ...	2.
Ex monaſterio de Calco, ...	2.
Ex monaſterio de Cu[pro], ...	2.
Ex monaſterio de Cambuſ[kyneth], ...	1.

Ex monaſterio de Lundo[ris], ...	religioſus 1.
Ex monaſterio de Bal[mer]ino, ...	1.
Ex monaſterio de Coldinghame, ...	1.
Ex monaſterio de Petty[nw]eyme, ...	1.
Ex monaſterio de D[r]ybru[gh], ...	1.
Ex monaſterio ſive prioratu de Northber[wick], . .	ſecularis 1.
Ex prioratu de Hadington, ...	1.

Glaſguenſis diœceſis.

Ex monaſterio de Paſleto, ...	religioſi 2.
Ex monaſterio de Mel[ros], ...	2.
Ex monaſterio de [K]il[w]yn[ing], ...	1.
Ex monaſterio Crucis Regalis, ...	1.
Ex monaſterio de J[e]db[urg], ...	1.
Ex [monaſterio de] Halywoode, ...	1.
Ex monaſterio Dulcis Cordis, ...	1.

In diœceſi Candidæ Caſæ.

Pro prioratu de Candida Caſa, ...	2.
Ex monaſterio Vallis Lucis, ...	1.
Ex [monaſterio de] Dundranan, ...	1.
Ex [monaſterio] de Tungland, ...	1.

In diœceſi Aberdonenſi.

Pro monaſterio de Deyr, ...	1.

In diœceſi Moravienſi.

Ex monaſterio de Kinloſſ, ...	1.
Ex monaſterio Pluſcardenſi, ...	1.

In diœcesi Dunblanensi.

[Ex monasterio de] Incheshaffray, ...	religiosus 1.
[Ex monasterio de] Culross, ...	1.
[Ex monasterio de] Inchemahomo, ...	1.

In diœcesi Dunkeldensi.

Pro monasterio Sanctæ Columbæ [Insulæ], ...	[1.]

De reliquis diœcesibus tacetur.

De methodo et forma prædicationum.

[199.] Prædicatores nunc instituti et alii secundum præsentem Sanctam Conventionem, post hujusce statuti publicationem, præsentem hanc formam in suis prædicationibus observare tenebuntur: ut in omnibus et singulis eorum prædicationibus seu concionibus priorem partem Epistolæ vel Evangelii declarando tribuant, et illius posteriorem partem, prout tempus et auditores patientur, Cathechismo, hoc est communi doctrinæ seu instructioni, impertiantur. Cathechismum autem vocamus brevem instructionem in fidei rudimentis, vel in expositione articulorum fidei, Decalogi præceptorum, peccatorum septem mortalium, septem Ecclesiæ sacramentorum, Dominicæ Orationis, et Salutationis Angelicæ, ac operum misericordiæ. In quibus omnibus prædicationibus injungatur ut populum Christianum inducant ad sacramenti altaris condignam venerationem, et ut de viribus et usu ejusdem pro captu populi populum instruant.

Forma in interpretatione Theologiæ observanda.

[200.] Ut ea circa hæc in publicis gymnasiis et academiis legantur, per quæ doctrinæ utili scientiarum et populi Christi fidelis eruditioni consuli spere-

tur potius, ſtatuit hæc Sancta Synodus, ut Lectores Scripturarum et Theologiæ in ſingulis collegiis [ita Scripturis et] Theologiæ vacent [ut aliqui] Scripturas quam puriſſime, juxta Eccleſiæ Catholicæ ſenſum, tractare nitantur; alii vero ex eis ipſarum Sacrarum lecturis, ad veterum doctorum amuſſim et Catholicæ fidei veritatem, [Theologiæ] diverſis horis uniuscujusque hebdomadis, diebus certis [legendæ] incumbant, ſic ut taliter ſtudentes in Sacris ipſis Scripturis [et] ſpeculativis proficiant: et ut id ipſum quilibet Ordinarius intra ſuam Univerſitatem, ſi quam habeat, aliter vero intra civitatem ſuam et apud eccleſiam cathedralem fieri procuret, mandat ipſa Synodus; quodque utilius et pro tempore ædificabilius fore cenſetur, ut, quantum ad ſpeculat[iva]m [Theologiam], lecturæ probatorum authorum, ut ſunt opera Magiſtri Sententiarum, commentarii Divi Thomæ Aquinatis, Sancti Bonaventuræ, et aliorum, potius vacent.

Ordo obſervandus in lectionibus Grammatices et Dialect[ic]es.

[201.] Vult et jubet hæc eadem Synodus, ut provideat uniuscujuſque Univerſitatis Rector, cauſis ad id moventibus non oblitis ſeu omiſſis, ne ulli ad ſcholas Dialectices ſive Artium recipiantur, niſi qui Latine et grammatice loquuntur; ac ut Dialecticam artem experiri cupientes, priuſquam ad illam artem admittantur, examinentur, et ne ad Baccalaureatus ſeu Magiſterii lauream recipiantur, niſi prius de examinis rigore ad hoc idonei fuerint reperti: alioqui ad proximam inferiorem claſſem deponantur; quod niſi factum fuerit Rectori imputabitur.

Item provideat Archidiaconus Sancti Andreæ pro Magiſtro Scholæ Grammaticalis in civitate Sancti Andreæ, qui ſit in Grammaticis [verſatus], bonis moribus imbutus, et in aliis ad inſtruendum pueros et puerilia Grammaticæ non callentes requiſite ſufficiens.

De qualitate ordinandorum.

[202.] Quantum ad qualitatem ordinandorum in moribus, ſcientia et titulo, ſtatutum eſt ut in his ſacrorum canonum diſpoſitio ad unguem ſervetur, et inter ordinandum ſinguli Ordinarii habeant præ oculis eandem diſpoſitionem, quam ordinando legere, aut legi facere, faciant; quodque nulli eccleſiaſtici quantumcunque in literis [et] moribus ſufficientes per ſpatium trium annorum proximorum a data præſentium futurorum in ſacris ordinibus initientur, niſi beneficiati, religioſi, ac titulum canonicum ad valorem viginti librarum monetæ Scoticanæ habentes; circa quæ diſcutiant diligenter Ordinarii eorum titulos; omnis etiam illicitæ pactionis abſit ſuſpicio, et ſuper hoc fidem faciant ordinandi. Et ordinati per Ultramarinos Epiſcopos, undecunque venerint, altari non [se] immiſceant, [et] niſi per Diœceſanos aut eorum deputatos [ad id] commiſſos, in quorum diœceſibus altari ſeſe junxerunt, prævio examine judicis competentis [idonei comperiantur], nequaquam permittantur; ita ut idonei ſecundum præſens ſtatutum reperti, admiſſionem mereantur, et in his inidonei comperti, ab ordinum ſuorum executione, uſquequo ſeſe habiles et idoneos reddiderint, ſuſpendantur.

Quod ſinguli curati examinentur per Ordinarios.

[203.] Circa parochialium eccleſiarum curatos ſeu miniſtros curam animarum exercentes, quia ex illis plurimi per totum regnum Scotiæ adeo inſufficientes, tam in litteratura, moribus, et diſcretione, quam [in] aliis ad id officium neceſſariis deprehenduntur; ſtatuit præſens Conventio, [ut] per locorum Ordinarios, intra hinc et ultimum Decembris proximo futurum, vocentur coram ipſis Ordinariis, vel eorum Commiſſariis ad id deputatis ſeu deputandis, ſinguli curati ad ſubeundum examen debitum in omnibus eorum officio convenientibus, cum certificatione quod ſi non com-

paruerint, ab eorum curis et officiis amoveantur: et qui idonei fuerint, et comparuerint, continuabuntur et de novo admittentur; inidonei vero, juxta juris dispositionem, rejicientur, et ad se removendum in proximis eorum synodis præmoneantur; ac singuli curatorum inidoneorum vicarii seu rectores, ubi vicarii proximi non sunt, moneantur, ut per se in eorum curis deserviant, quoadusque per se et eorum quemlibet respective de qualificato curato, per Ordinarium loci admisso, provisum fuerit.

Pensionarii in suis curis resideant.

[204.] Pensionarii vero vicarii, ut ex statutis et consuetudine, in eorum curis et pensionibus resideant, ac per se deserviant sub pœna suspensionis et confiscationis fructuum omnium suorum, pensionum et reddituum in pauperum usus per Ordinarium applicandorum. Et similiter examinentur isti vicarii pensionarii, ac eorum parochiani et vicini, seu alii notitiam habentes; et qui inhabiles inventi fuerint, statim Ordinariis deferantur ad effectum ut in Concilio Provinciali, seu Conventione Generali proxime futura, contra eos de remedio provideatur opportuno.

Qualis eligi debeat, ut fiat curatus.

[205.] Idoneitas autem præficiendorum animarum curis et beneficiis ecclesiasticis in hoc potissimum consideretur, ut qui ad hujusmodi beneficia et curas admitti petunt, satisfacere velint et possint officiis suis sibi committendis, suoque munere, juxta beneficii et curæ exigentiam, fideliter fungi.

Quibus conferri debent beneficia.

[206.] Sintque viri legitimæ ætatis, moribus graves, literarum scientia præditi, ad sacros ordines promoti, nec corpore vitiati; alioqui sciant hi, quorum interest, tales ad beneficia ecclesiastica et curas admitti cupientes, ut

ſiquidem dolo, gratia, favore vel negligentia in his peccaverint, non minorem ſibi quam [illis] malis vicariis et curatis, quos ipſi dictis curis præfecerint, pœnam incurriſſe, quæ eis in diſtricto Dei judicio imminet, et præter hæc pœnis etiam canonicis ſeſe ſciant eſſe obnoxios. Et præterea ut ipſi vicarii et curati ſuo officio attentius abſque impedimento deſervire teneantur, negligentiaque eorum puniatur liberius; ordinatum exiſtit, ut quilibet curatus ſeu vicarius penſionarius, animarum curam exercens, et in ea reſidens, habeat ſingulis annis, pro ſuo feodo et ſtipendio, viginti marcas Scoticanæ monetæ, vel æquivalentiam, computandis proficuis horto et curæ adjacentibus; hoc proviſo, quod in illis diœceſibus ſive locis, ubi viget fames et caritas victualium e[x] hoſtium invaſionibus et incurſionibus, Ordinarii locorum in ſuis ſynodis hujuſmodi ſterilitatis et caritatis annonæ [causas denuntient, et stipendia] caritat[iv]e augeant: ac ut non liceat ipſis vicariis penſionariis ſeu curatis per ſubſtitutos, ſed per ſeipſos in dictis curis reſidere; alioqui ut loco curatorum licebit vicario ſeu rectori alium loco non reſidentis deputare de Ordinarii conſilio, abſque ulteriore proceſſu; quum penſionarii non reſidentes per Ordinarios veniant privandi, juxta illud Tridentini Concilii, quod incipit: *Inferiora beneficia.* Cujus tenor ſequitur in hæc verba: *Inferiora beneficia [ecclesiastica], præsertim curam animarum habentia, personis dignis, et habilibus, et quæ in loco residere, ac per seipsos curam ipsam exercere valeant, juxta constitutionem Alexandri III. [in] Lateranensi, quæ incipit:* Quia nonnulli, *et aliam Gregorii X. in generali Lugdunensi Concilio, quæ incipit:* Licet canon, *editam, conferantur. Aliter autem facta collatio, sive provisio, omnino irritetur: et Ordinarius collator pœnas constitutionis Concilii Generalis, quæ incipit:* Grave nimis, *se noverit incursurum.*

Quod nemo plura beneficia incompatibilia habeat.

[207.] *Quicumque [de cetero] plura curata, aut alia[s] incompatibilia beneficia ecclesiastica, sive per viam unionis ad vitam, seu commendæ perpetuæ, aut alio quo-*

cumque nomine, et titulo, contra formam sacrorum canonum, et præsertim constitutionis Innocentii III. quæ incipit: De multa, *recipere, ac simul retinere præsumpserit, beneficiis ipsis juxta ipsius constitutionis dispositionem, ipso jure, etiam præsentis canonis vigore, privatus existat.*

Quod Ordinarii dispensationes exhiberi faciant.

[208.] *Ordinarii locorum, quoscumque plura curata, aut alia[s] incompatibilia beneficia ecclesiastica obtinentes, dispensationes suas exhibere distincte compellant, et alias procedant juxta constitutionem Gregorii X. in generali Lugdunensi Concilio [editam], quæ incipit:* Ordinariis: *quam eadem Sancta Synodus innovandam censet, et innovat; addens insuper, quod ipsi Ordinarii etiam per idoneorum vicariorum deputationem, et congruæ portionis [fructuum] assignationem, omnino provideant, ut animarum cura nullatenus negligatur; et beneficia ipsa debitis obsequiis minime defraudentur: appellationibus, [privilegiis], et exemptionibus quibuscumque, etiam cum judicum specialium deputatione, et illorum inhibitionibus in præmissis nemini suffragantibus.*

De unionibus beneficiorum.

[209.] *Uniones perpetuæ, a quadraginta annis citra factæ, examinari ab Ordinariis, tanquam a Sede Apostolica delegatis, possint: et quæ per surreptionem vel obreptionem obtentæ fuerint, irritæ declarentur. Illæ vero, quæ a dicto tempore citra concessæ, nondum in toto vel in parte sortitæ sunt effectum, et quæ deinceps ad cujusvis instantiam f[ie]nt, nisi eas ex legitimis, [aut alias] rationabilibus causis, coram loci Ordinario vocatis, quorum interest, verificandis, factas fuisse constiterit, per surreptionem obtentæ præsumantur: ac propterea, nisi aliter a Sede Apostolica declaratum fuerit, viribus omnino careant.*

Beneficia ecclesiastica curata, quæ cathedralibus, collegiatis, seu aliis ecclesiis, vel monasteriis, beneficiis, seu collegiis, aut piis locis quibuscumque perpetuo unita et

annexa reperiuntur, ab Ordinariis locorum annis singulis visitentur: qui sollicite providere procurent, ut per idoneos vicarios, [etiam] perpetuos, nisi ipsis Ordinariis pro bono ecclesiarum regimine aliter expedire videbitur, ab eis [cum] tertiæ partis fructuum, aut majori, vel minori, arbitrio ipsorum Ordinariorum, portione etiam super certa re assignanda, ibidem deputandos, animarum cura laudabili[ter] exerceatur: appellationibus, privilegiis, exemptionibus, etiam cum judicum deputatione, et illorum inhibitionibus quibuscumque in præmissis minime suffragantibus.

Ordinarii loca exempta viſitent.

[210.] *Locorum Ordinarii [ecclesias] quascumque, quomodolibet exemptas, authoritate Apostolica, singulis annis visitare teneantur, et opportunis [juris] remediis providere, ut, quæ repara[tione] indigent, reparentur; et cura animarum, si qua illis immineat, aliisque debitis obsequiis minime defraudentur: appellationibus, privilegiis, consuetudinibus etiam ab immemorabili tempore præscriptis, judicum deputationibus, et illorum inhibitionibus penitus exclusis.*

Circa clericos parochiales.

[211.] Statuit Synodus, ut clerici parochiales per ſe deſerviant in eorum officiis, vel præſentent in ſingulis Synodis ſufficientem ſubſtitutum, per Ordinarium admittendum, in ipſo officio deſervientem, qui honeſtus ſit, et nov[er]it honeſte vices ſui principalis in hujusmodi officio ſupplere; alioqui, ſi id non factum fuerit, mulctetur tertia parte emolumentorum clericatus prima vice, ac, ſecunda, bina pauperibus applicanda, et deinceps Ordinarii arbitrio pœna puniatur.

De teſtamentis, et quod executores computum et rationem reddant.

[212.] Hæc Conventio ſtatuit, ut regiſtrentur autentice omnia teſtamenta, et defunctorum bonorum inventaria, ad executionem nominatorum, et bono-

rum intermiſſorum conſervationem; a quibus per Officiales et Commiſſarios Ordinariorum ſingulis annis de bonorum et rerum fideli adminiſtratione computum et ratio omnium reddatur, prout ad id admonendi ſunt, tam in confirmationibus quam in auditione computorum; [ut] provideatur ſuper indemnitate prolium, pupillorum, legatoriorum et aliorum intereſſe habentium, per ſufficientem rationem, et aliter, prout de jure; et ne Decani vel Commiſſarii aliqua teſtamenta confirment, niſi prius receptis juramentis ab executoribus de fidelitate et veritate inventariorum, et de pretiis bonorum.

Circa teſtamenta diœcesanorum Orchadenſium, ad modum et morem ſolitum et debitum reliquarum provinciæ Scoticæ diœceſium inducenda et obſervanda.

[213.] Præſens Scoticanæ provinciæ Generalis Conventio ſeu Concilium Provinciale legitime congregatum, ſervatis primitus de jure et conſuetudine ſervandis, ac longis et juſtis ſuper infraſcriptis tractatibus et conſiderationibus præhabitis, diſputatis et diſcuſſis, pro perpetuis futuris temporibus, et ad perpetuam rei memoriam, conſtituit, decrevit et ordinavit, quod in condendis teſtamentis et bonorum innotationibus, tam in teſtatis quam non teſtatis, et ab inteſtato decedentium, per omnes et ſingulas, totas [et] integras inſulas Orcadenſes ac Zitlandiæ, et alias partes ubilibet per diœceſim et juriſdictionem ſpiritualem ſubjectas Orcadenſi eccleſiæ, omnes et ſinguli Orcadenſes diœceſani eiſdem legi et conſuetudini ſubjaceant, quibus ceteri in aliis quibuſlibet Scotiæ provinciis ac diœceſibus; quodque defunctorum diœceſis Orcadenſis executores nominati, et utcumque teſtantium et non teſtantium, ſeu ab inteſtato decedentium, bonorum intermiſſores ad conficienda bona inventaria, eaque Ordinario vel ejus Commiſſariis exhibenda et confirmanda curent, et pro eis Ordinario debita et ſolita ſatiſfacere teneantur [et] contrahantur. Quod ſi non fecerint, ſeu aliquis eorum non fecerit, licebit dicto Ordinario et [ejus] Commiſſariis,

ſervatis proceſſibus in ſimilibus conſuetis, de dictis bonis ſive teſtatis ſive non teſtatis executores dativos, ad ejus arbitrium dare et conſtituere in omnibus, juxta morem præfatum in illis ſervatum et obſervandum.

De examinatione Notariorum.

[214.] Ordinatum eſt præterea, ut vocentur Notarii in ſingulis diœceſibus, per eorum Ordinarios reſpective, ad ſubeundum novam examinationem ſecundum juris conſuetudinem, et Parlamentorum regni exigentiam; qui vocari ſtatuuntur ad hos dies ad quos vocandi ſunt eccleſiarum curati, intra hanc et primam ſuarum diœceſium reſpective synodum, ad effectum examinationis; utque interea fiat inquiſitio inter eorum vicinos, per Commiſſarios ad hoc deputandos, ſuper f[a]ma, exiſtimatione, legalitate et fideli exercitio tabellionatus [et] officii hujuſmodi, antequam ad examinationem veniant: ubi, habita examinatione, idonei reperiuntur, admittantur, et ſtatim litteras ſuarum admiſſionum recipiant; inidonei vero ab executione officii ſuſpendantur, ſic quod in poſterum eorum inſtrumenta pro nullis et invalidis in judicio et extra habeantur; nec non quod Notarii admiſſi imprimant vel ſubſcribant ſua ſigna, quibus in inſtrumentis uſi ſunt et uſuri, in libris Officialium illarum diœceſium, ſive Commiſſariorum, coram quibus et per quos examinentur; et contumaces citatione præventi uſque ad comparitionem ſuſpendantur, et tam admiſſi quam non admiſſi in synodis prædictis publicentur.

De Prothogollis Notariorum defunctorum.

[215.] Statuit hæc Synodus et decrevit, ut Prothocolla ſive libri et inbreviaturæ Notariorum defunctorum, decedentibus Notariis, ad Officialem illius diœcesis, in qua decedunt, actualiter deliberentur; et ſi hi libri Prothocollorum per Notarios decedentes aliquibus in eorum teſtamentis legati fuerint, ineatur ratio ſeu tranſactio inter tales legatarios et ſcribas Offici-

alium ſuper proficuis et utilitate inſtrumentorum de Prothocollis extrahendorum; quæ fienda curent ſinguli Officiales in eorum official[at]ibus et juriſdictione: et quod folia prothocollorum in eorum receptione numerentur et ſignentur per dictos Officiales.

De pluralitate beneficiorum.

[215.] Quantum ad pluralitatem beneficiorum, Conventio ſeu Concilium refert ſe ordinatis ſeu ordinandis in Concilio Tridentino, nondum diſſoluto, quod ſic incipit: *Nemo, quaeumque etiam dignitate, gradu,* [*aut*] *præeminentia præfulge*[*ns*], *plures Metropolitanas seu cathedrales ecclesias* [*in titulum*], *sive commendam, aut alio quovis nomine, contra sacrorum canonum instituta, recipere, et simul retinere præsumat: cum valde felix sit ille censendus, cui unam ecclesiam, bene,* [*ae*] *fructuose, et cum animarum sibi commissarum salute, regere contigerit. Qui autem plures ecclesias contra præsentis decreti tenorem* [*nunc*] *detinent, una, quam maluerint, retenta, reliquas infra sex menses, si ad liberam Sedis Apostolicæ dispositionem pertineant, alias infra annum, dimittere teneantur: alioquin ecclesiæ ipsæ, ultimo obtenta duntaxat excepta, eo ipso vacare censeantur.* De beneficiis inferioribus ſuperius patuit.

De fundationibus Hoſpitalium et Monaſteriorum.

[216.] De Hospitalium ſtatu et reformatione ſtatutum eſt, ut quilibet Ordinarius per ſuam diœceſim diligenter inquirat de fundationibus [Hoſpitalium] ubicumque locorum intra ejus diœceſim ſitorum, et ſi ipſarum fundationum chartæ ſive inſtrumenta reperiri poterunt, conſideret diligenter qui redditus et jura eiſdem ſpectabant, et ſpectare deberent, et pro quibus et qualibus perſonis erant inſtituta, et de eorundem piorum locorum deſtructione, mutatione redituum in alios uſus, et a quibus de præſenti poſſidentur, et quo titulo; et idem fiat de capellaniis et aliis fundationibus et officiis eccleſiaſticis perpetuis, et in divinum cultum, et pro ſalute et ſuffragio

animarum fundatis intra diœcefim ; et quod in præmiffis certi comparuerit, in fequenti Conventione Generali, feu Prælatorum Concilio Provinciali, ad effectum correctionis referat. Circa quæ hortatur hæc Conventio omnes et fingulos Abbates, Priores, Commendatarios, Adminiftratores, Prioriffas monialium, necnon Præpofitos et Decanos ecclefiarum collegiatarum qui ad hoc tenentur, quatenus elemofinas per ipfos pauperibus mendicantibus erogari folitas, renovandas et continuandas curent, ac fuas ecclefias tam in parietibus quam in tectis ruinofas et defectuofas reparent et reftaurent ; et defuper finguli Ordinarii in fuis vifitationibus proxime futuris diligenter inquifitionem et difcuffionem habeant. Necnon ut hujufmodi elemofinarum difpenfatio viris fidelibus et difcretis ac honeftis committatur, qui pauperum curam in illis locis agant, atque ut uniuscujusque monafterii Magiftri Fabricæ et Operum Directores, quatenus annis fingulis in ecclefiis [fieri debet, ad] loca ecclefiaftica ipfis monafteriis et ecclefiis præfatis annexata, pro defectuum correctione, vifitanda mittantur, hortatur et ordinat.

Quod beneficia patronata non conferantur nifi prævio edicto.

[217.] Item ad evitandas lites in beneficialibus, ne ex ignotis interdum procedatur [ad] conferendum beneficia quæ ad aliorum patronatum fpectant, ftatuit Concilium, ne per locorum Ordinarios provifiones quorumcumque beneficiorum, in non maxime claris, nifi prævio edicto publice et fummarie tam de vacationibus quam de jure patronatus ipforum præfentantium, juxta caput . . . . . *De electione*, libro fexto, cognito ; exceptis his quæ ad ipforum Ordinariorum difpofitionem collationemque pleno jure [fpectant], et de quorum patronatu certo et liquido conftat, cuicumque vel quibufcumque fiant aut concedantur ; utque regiftra omnium collationum apud fingulos Ordinarios et eorum quemlibet remaneant.

Ad ſuſtentationem et perſiſtentiam ſeminatorum verbi Divini, quo Chriſtiana plebs paſcenda eſt, etc.

[218.] Archiepiſcopus Primas, Epiſcopi Ordinarii, et alii inferiores de clero, in Concilio præſenti Provinciali Conventionem Generalem Epiſcoporum et cleri regni Scotiæ repræſentantes, ad perpetuitatem ſermocinantium per provinciam, et eorumdem ſuſtentationem, ne prædicantes ipſi victu et neceſſariis deſtituantur, aſſignarunt, pro ſe et aliis reſpective, prædicatoribus ſermocinaturis, per quemlibet Prælatum, in ſuis locis et populo ſubjecto, beneficia ſequentia, cum proviſione fienda de non reſignandis illis per poſſeſſores in præjudicium ſermocinantium, ut in inſtrumentis deſuper [factis] continetur.

Nomina beneficiorum prædicatoribus aſſignatorum.

[219.] Pro Archiepiſcopo Sancti Andreæ, rectoria ſeu eccleſia de Mu[k]e[rt].
Pro Archiepiſcopo Glaſguenſi, vicaria Glaſguenſis, ſeu Glaſgu ſecundo.
Pro Epiſcopo Aberdonenſi, præcentoria, ſeu præbenda de Crewdane.
Pro Epiſcopo Moravienſi, rectoria de Inverkeithen.
Pro Epiſcopo Candide Case, rectoria de Kirk[chryst].
Pro Epiſcopo Dumblanenſi, præbenda de Kippen.
Pro Epiſcopo Dunkeldenſi, archidiaconatus Dunkeldenſis.
Pro Epiſcopo Leſmorenſi, archidiaconatus Leſmorenſis.
Pro Epiſcopo Orcadenſi, præpoſitu[ra] de K[irkwal] aliter Orknay.
Pro Epiſcopo Brechinenſi, ſubdiaconatus Brechinenſis.
Pro Epiſcopo Roſſenſi, archidiaconatus Roſſenſis.
Pro Epiſcopo Cathanenſi, archidiaconatus Cathanenſis,
Pro prioratu Sancti Andreæ, vicaria Trinitatis Sancti Andreæ.
Pro monaſterio [de] Aberbrothok, vicaria de Kerymure.
Pro monaſterio de Paſleto, vicaria de [K]ilmal[k]ome.

Pro monafterio de [Kilw]ynyng, vicaria de Domlop.
Pro monafterio de Dumfermeling, vicaria de Muffilbrugh.
Pro monafterio de [K]elso, vicaria de Lynton.
Pro monafterio Sanctæ Crucis, vicaria de Falkirk.
Pro monafterio de [D]riburg, vicaria de Kyl[r]yn[n]y.
Pro monafterio de Lundoris, vicaria de Dumdey.
Pro monafterio de S[con]a, ecclefia de Kyl[do]nand in diœcefi Cathanenfi.
Pro monafterio [de] Cambufkynnith, ...
Pro [monafterio de] Inchemahomo, vicaria [de] Linthrathen.
Pro monafterio de Melros, vicaria de Haffe[n]dene.
Pro prioratu de Coldynhame, vicaria de Edim[ham].
Pro prioratu de Quhythorne, vicaria de Glaffartone.
Pro [monafterio de] Kynlos, ...
Pro monafterio Sancti Columbæ Infulæ, vicaria de Leflia.
Pro monafterio de Jedbrucht, vicaria de Du[n]ma[ny].
Pro monafterio de Deyr, vicaria de Petterwgy.
Pro monafterio de Balmerino, rectoria de Logymurthe.
Pro [monafterio de] C[upr]o, ...
Pro [monafterio de] Glenlu[s], ...
[Pro] prioriffatu de [N]orthber[wyck], vicaria de Largo.

Prælati monafteriorum non habentes beneficia ad eorum dispositionem, dent penfiones condignas ad fuftentationem prædicantium.

Item vifum eft præfenti Concilio, rerum et temporis qualitate penfata, ut in principio five exordio concionum, feu poft easdem finitas, fervetur vetus et receptus invocandi modus, dicendi *Pater noster* pro gratia obtinenda, cum Salutatione Angelica ad Beatiffimam Virginem, ad divinam gratiam pro felici et fructuoso fermone fiendo impetrandam apud Dominum Deum; [et] ut fiat in fine fermonis oratio pro animabus defunctorum, ex recepta ecclefiæ confuetudine.

Pro hærefibus extirpandis.

[220.] Item pro hærefibus extirpandis, in præfenti Concilio ftatutum eft, ut finguli locorum Ordinarii in fuis diœcefibus deputent hæreticæ pravitatis inquifitores, viros pios, probos et eruditos, et in Theologia doctos, qui etiam fint bonæ converfationis et famæ, et magnæ circumfpectionis; et qui, cum exactiffima diligentia, perquirant de hærefibus, et de coercendis erroribus, et peregrinis opinionibus contra facramenta ecclefiaftica, et aliis; quique inquirere teneantur de libris damnatis hæreticorum, et de fide male fentientium; et ubi comperti fuerint, ad locorum Ordinarios deferantur. Et præterea finguli Abbates, Priores, Commendatarii, Adminiftratores, Provinciales, Miniftri et Guardiani in fuis monafteriis, cœnobiis, et locis, hoc idem circa fuos fubditos et religiofos faciant, diligenter cellas fuorum religioforum perfcrutentur, ut quidquid ibi hæreticorum librorum, aut contra fidem fentientium repertum fuerit, etiam ad Ordinarios deferatur.

Ordinationes ad reprimendas hærefes, utiles et neceffariæ.

[211.] Imprimis, ftatutum eft, ut Ordinarii locorum, quantum commode fieri poterit, pro tempore et locorum ratione, contra hæreticos diligentem et exactam inquifitionem faciant fingulis annis; univerfales quidem quater in anno, particulares vero toties quoties occafio fefe obtulerit, ut eas quidem juxta fuam poffibilitatem et diligentiam exequantur, fecundum formam et difpofitionem facrorum canonum et præfcriptorum; caput *Ut officium*, caput *Abjurans*, caput *Ut commiffi*, caput *Statuta*, [titulo] *De hæreticis*, libro fexto, aliaque jura canonica infequendo ac regni confuetudines hactenus obfervatas contra hærefiarchas et facramentarios, et præcipue contra facramentum Euchariftiæ obloquentes, cum feveritate juris procedant; et ut inhibitoriales litteræ per Ordinarios fulminentur fub pœna excommunicationis ipfo facto, tam contra prædicantes abfque admiffione

Ordinarii, quam contra ipſos parochianos, ſeu alios eorundem hujuſmodi prædicatorum auditores, ne ipſis audientiam et aſſiſtentiam ſeu favorem præſtent; et cum hoc litteræ Reginæ, ſuis litteris conformes, per Ordinarios impetrentur, et executioni demandentur.

[De morum et vitæ emendatione.]

[222.] [Secundo,] item hortatur præſens Conventio, in viſceribus Ieſu Chriſti, ac pro pietatis zelo, quo omnium hæreſium in hoc regno occaſionibus facilius occurratur, ipſique Ordinarii ad eaſdem reprimendas liberius et expeditius procedere valeant, quatenus ipſi et eorum quilibet, nec non ceteri Prælati et beneficiati regni mores ſuos ac vitam, juxta præſentis Concilii ſtatuta et ordinationes, ad meliorem frugem emendent; ne ad aliorum mores diſtricte corrigendos prorumpant [ipſi] notoriis criminibus irretiti, cum hinc maximum populi ſcandalum et plurima hæreſeos pars oriatur.

De prædicatione verbi Dei.

[223.] Tertio, ut provideat quiſque infra ſuam diœceſim, ut rectores eccleſiarum et aliæ eccleſiaſticæ perſonæ laborent pro viribus, ut verbum Dei inter ſuos greges pure, ſincere, et Catholice tractetur; veri ceremoniarum eccleſiaſticarum uſus prædicentur, modeſte, ſobrie et prudenter; vetentur opiniones falſæ, criminentur palam et arguantur. Ut eccleſiis, monaſteriis, collegiis, univerſitatibus aliiſque piis locis unitis et incorporatis, de frequentioribus verbi Dei prædicationibus provideatur, ſtatutum eſt ut Abbates, Priores, Commendatarii, Adminiſtratores, ac talium locorum Præpoſiti, mercedes ſolito liberaliores, tam religioſis quam aliis ad diſſeminandum verbum Evangelicum per Ordinarios admittendis, reſtituant; et ut ipſi prædicatores apud unamquamque eccleſiam parochialem benigne hoſpitio recipiantur, quodque ad hunc effectum ipſi religioſi ex

ſingulis parochialibus eccleſiis, de quibus nullas habeant annuas penſiones victualium, pro quatuor prædicationibus, per ipſos annuatim ad ſupplendum rectorum vices fiendis, pro ſuis laboribus et expenſis in toto quadraginta ſolidos percipiant annuatim. Pro qua ſumma Officiales ſeu Commiſſarii ſingularum diœceſium, ubi per ipſos religioſos ad hoc requiſiti fuerint, oſtenſis teſtimonialibus contra rectores ſuos, monitiones ſimplices fulminent, atque eoſdem cogant ad earumdem ſummarum ſolutionem, aliis juris remediis opportunis; proviſo tamen, quod iidem religioſi ſint contenti penſionibus victualium, quas annuatim ex monaſteriis, prioratibus, aliiſque locis ſeu collegiis pro ſuis prædicationibus percipere ſolent.

Et quoties prædicatum eſt nomine rectoris in anno, curati notent, etc.

[224.] Item, ut ſinguli curati in ſuis libris notent quoties, nomine rectoris ſeu vicarii, in ſingulis eccleſiis concionati fuerint ipſi religioſi, et id ipſum locorum Ordinariis in ſuis ſynodis intiment; atque etiam ut per ipſos prædicatores commonſtrent curati ſeu vicarii reſidentes de certo die feſto prædicationis futuræ, ut ipſi parochianis ſuis debito tempore denuntient, quo frequentiores ſermonibus intereſſe poſſint; et curati hoc negligentes per Ordinarios feriantur: et de ſingulis in præſenti ſtatuto contentis diligenter inquirant Decani in ſuis viſitationibus.

Articuli ſuper quibus hæreticæ pravitatis inquiſitores ſuas inquiſitiones formare potiſſimum deberent, etc.

[225.] Item expedire viſum eſt, ut notentur ſpecialiter nonnulli articuli, ſuper quibus hæreticæ pravitatis inquiſitores ſuas inquiſitiones formare potiſſimum deberent; et ut concionatores in ſuis prædicationibus, ubi eorum occaſiones inciderint, ſecundum temporis et auditorum exigentiam, inter quos tales errores noti fuerint, contra eoſdem diſcrete et prudenter populum doceant et inſtruant, juxta Catholicæ eccleſiæ ſententiam. Caveant tamen,

ne ubi nullas inter ſuos auditores hæreſes compertas habuerint, de hæreſibus ignotis mentionem faciant.

Sequuntur ipſi articuli.

Imprimis, contra eos, qui adverſus ipſa ſacramenta aut ceremonias, ritus, et obſervantias ab eccleſia receptas in ſacramentorum adminiſtratione obganniunt, et præſertim in ſacrificio Miſſæ, et ſacramentis baptiſmi, confirmationis, extremæ unctionis, [pœnitentiæ], et aliorum.

Contra cenſuras eccleſiaſticas contemnentes.

Contra negantes aliquas animas Sanctorum cum Chriſto jam regnare uſque ad diem judicii, et cum anima et corpore glorificato [poſtea in æternum regnaturas.]

Contra negantes animæ immortalitatem.

Contra negantes retributionem operum in fide et charitate.

Contra negantes purgatorium poſt hanc vitam.

Contra negantes interceſſiones et orationes ſanctorum.

Contra negantes imagines licitas eſſe in eccleſiis Chriſtianorum.

Contra negantes authoritatem Concilii Generalis in decernendis dogmatibus, et ſanctiones canonicas.

In univerſum, contra adverſantes quibuſlibet determinatis vel determinandis per Concilium Generale ſeu Provinciale.

Contra derogantes jejuniis et feſtis indictis ab eccleſia.

Item ut unuſquiſque Ordinarius intra ſuam diœceſim perquirat, qui apud ſe detinent aliquos libros rithmorum, ſeu cantilenarum vulgarium, ſcandaloſa eccleſiaſticorum et hominum vel conſtitutionum vituperia et probra, ſeu famoſos libellos, aut quamcumque hæreſim in ſe continentia; et ubi comperti fuerint, prohibeantur ſub pœnis Actorum Parlamenti, atque confiſcentur, et comburantur; interdicaturque univerſaliter eorundem uſus, mercatura, impreſſio et lectura ſub ſimilibus pœnis.

Circa Orationem Dominicam *Pater Noſter*, etc.

[226.] Concilium decrevit ex moventibus hoc vulgare quod ſequitur hic inferendum.

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De *Pater Noſter* et *Ave Maria* in concionibus.

[227.] In omnium concionum publicarum exordiis ſervetur vetus et receptus invocandi modus per Orationem Dominicam, cum Salutatione Angelica ad Virginem Deiparam, pro gratia impetranda; et in earumdem concionum fine oretur pro animabus defunctorum in recepta eccleſiæ conſuetudine.

Sequuntur nonnullæ ordinationes penes officium Procuratorum curiarum Conſiſtorialium, et exercitiam in eorum cauſis deducendis.

[228.] Imprimis, prohibet hæc Conventio, ne qui Procuratorum in foro eccleſiæ cauſas vel intendendas vel defendendas temere ſuſcipiant, abſque integra et plenaria informatione veritatis, ſi non in primo, ſaltem in ſecundo termino; et ſi ſuper veritate informationum fidem facere recuſaverint, denegetur eis procurandi ſuffragium. Habita vero in hunc modum informatione, prudenter explorent, et quilibet eorum exploret merita cauſæ, et quo jure tam actio quam defenſio nitatur; quod ſi per ſe hoc non valeant præſtare, a doctioribus exquirant quid juris, et ſi comperiant nec canonico nec civili, nec municipali et conſuetudinario juri aut ſtylo fore conſonantem informationem, ſuo patrocinio deſtituant, quantumvis magna merces propona-

tur : et id ipſum faciant, ubicumque in cauſæ deductione de ejuſdem injuſtitia apparuerit.

De calumniatoribus et infamibus.

[229.] Secundo, ſtatutum eſt contra manifeſtos calumniatores, qui nihil penſi habent, juſtane an injuſta cauſa fuerit, dummodo ſpes lucri inde fulſerit, quod quicumque de talibus fuerint convicti ſcienter iniquam cauſam ſuſcepiſſe vel ſuſtinere, vel qui ad deterrendas partes a juſtis actionibus vel defenſionibus proferre præſumant ſeſe cauſas vel lites ad annum, biennium, vel aliud longum tempus protracturos calumniandi animo, tanquam perjuri ac infames imposterum habendi ſunt, ac ab officio procurandi repellantur ; et inſuper per Ordinarios locorum ad arbitrium puniantur : et id ipſum de his ſentiendum eſt, qui cum litigatore de quota litis paciſcuntur, aut paciſcentibus ſuam operam pollicentur.

Fruſtratorias rationes objiciens punitur.

[230.] Item ſtatutum eſt, quo meliori fide cauſæ tractentur, ut ſi quis fruſtratorias rationes vel exceptiones exhibuerit, et, eiſdem repulſis, vel, [ſi] admiſſæ fuerint, non probatis, exbibens eaſdem ſeu producens, ultra expenſas litis parti ſolvendas, taxatione judicis, pro prima vice duos ſolidos [persolvat] : pro ſecunda vice in eadem cauſa duplicetur, pro tertia triplicetur ; et ſic deinceps creſcat pœna, et inſuper ſuſpectus de calumnia habeatur, et pœnis prioris ſtatuti ſubjaceat. Si tertio in eadem cauſa hoc admiſerit, et ſi quas no[n] relevantes, aut alia quavis legitima ratione non admiſſibiles produxerit, antequam ad eorumdem reformationem de ſtylo fori admittatur, juret quod ſuam omnimodam diligentiam fecit pro iiſdem pertinenter ad ipſum terminum fabricandis, nec ex induſtria inſufficientes propoſuiſſe ad effectum prorogandi terminum.

Inducere ad jurandum.

[231.] Item ſtatutum eſt, ſi quis ſive perſuaſionibus partes aut teſtes ad ſophiſtice jurandum induxerit, aut fruſtrationis cauſa ſubterfugere fecerit, inſtrumentave corrumpenda procuraverit, aut a prothocollis varianda, quod pœnis ſtatuti de calumniatoribus ſubjaceat.

[Ne urgeantur longæ delationes falſæque excuſationes, etc.]

[232.] Item ne quis longiores urgeat dilationes, quam cauſæ neceſſitas poſtulet, ne ſuæ diffidiæ aut malitiæ falſas excuſationes protelandi animo lites, ſcripturasve ſemel in judicium productas ſupprimat, ne judiciorum curſus defectu earumdem impediatur, aut cauſas ultra per colluſionem inter ſe dormire patiantur.

De ordine advocatorum in judicio.

[233.] Item ſtatutum eſt, ut in judicio aut cauſarum diſputationibus omnia modeſte et abſque tumultu fiant et dicantur, et ut quiſque ſuo loco ſedeat, quoadusque per ſcribam ejus cauſa fuerit in ſuo turno nominata; et t[unc] breviter deſiderio termini reſpondeat; et ſic viciſſim alterius partis procurator agat, atque a vulgari ſermone, quantum fieri poſſit, in judicio abſtineat: reliqui vero auſcultent in ſilentio, ad quos illa cauſa non ſpectat.

Advocati judici honorem deferant.

[234.] Item ſtatutum eſt, ut ſcribæ curiarum in omnibus ſe promptos et paratos ad obſequendum et parendum judicum mandatis præſtent, eiſdemque debita obſequia, honorem et obſervantiam deferant, ac juxta ſui officii fines ſeſe contineant, videlicet præter communia nihil, inconſulto judice, nullaque

acta confeffionis, nifi prius per judicem confiderata, an levia, an fecus, an fymoniaca, an ufuraria, aut alias illicitas pactiones continentia fuerint; et ne ultra taxam veterem a procuratoribus vel partibus exigant, prætextu cujufcumque confuetudinis aut corruptelæ hactenus obtentæ. Cujus taxæ veteris tenor infra habetur.

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Ut proceffus per fcribam ante judicem diligenter obfervetur.

[235.] Item, ut fcripta conferventur et proceffus partes, ftatutum eft, ut regiftra fiant, in quibus omnium proceffuum omnes partes et fcripta in judicium producta redigantur; ne pereat ulla pars proceffus, aut ne alia, quam [quæ] coram judicibus producta primo fuerint, fupponantur. Principalia vero remaneant apud regiftrum, et, accepto figno [diem] receptionis et nomen recipientis in libro notent, quæ tantum quamprimum fcribæ reftituantur: et fi in præmiffis culpabiles reperti fuerint fcribæ, provideant poteftatem habentes de aliis eorum loco.

Circa reformationem proceffuum curiarum Confiftorialium.

[236.] Imprimis pro abbreviatione proceffuum, ftatutum et ordinatum eft, ut, in omnibus caufis fummam viginti librarum non excedentibus, procedatur impofterum modo qui fequitur: ut, parte citata [et] minime comparente, in pœnam contumaciæ ejufdem proponatur petitio rem petitam continens, et fpecificatio qualitatum ejufdem ad articulos referatur, et ftatim ftatuantur termini ad articulandum et probandum, et citetur pars ad refpondendum pofitionibus et articulis, nec non ad videndum teftes, et alia probationum genera recipi, jurari et admitti; qui fi apparuerint, etiam

in pœnam contumaciæ rei nolentes comparere, ad effectum præmiſſum admittantur, et examinentur, et ſtatim apud acta fiat publicatio, et ſtatuatur terminus ad dicendum contra producta, nec non ad proponendum omnia jura, parte ad hoc citata, in quo termino parti ſimiliter contumaci ſtatuatur terminus ad pronunciandum.

Si vero pars rea in primo termino comparuerit, qualificetur ſtatim petitio ut inferatur apud acta. Si nolit ſtatim reſpondere, facta fide corporaliter quod inſtanter reſpondere nequit, detur ei triduum ad reſpondendum, alioquin breviter arbitrio judicis ; quo termino, ſi ad reſpondendum contumax fuerit quovis modo, procedatur ut ſupra. Si vero comparuerit, et dilatorias propoſuerit, diſcutiantur ſimiliter, excluſa omnium reſervationum [cauſa], et lite poſtmodum conteſtata, ſtatuatur unicus terminus ad probandum, et poſt probationes deductas ſi reus petat articulos directe contrarios, jurato primitus ſolemniter quod ſint neceſſarii pro defenſione cauſæ, ſtatuatur ei brevis terminus ad probandum eoſdem una cum oblatis contra perſonas teſtium et peremptoriis ac omnibus juribus, quibus uti voluerit in cauſa procedendum ; quibus hinc inde diſcuſſis, et probationibus deſuper deductis, quam breviſſime juxta formam ſtatuti veteris ſuper hoc, ſtatuatur terminus ad pronuntiandum in principali cauſa, in omnibus tamen hic ſalvis legibus . . . . . . partium defenſionibus, replicatis, duplicatis ex arbitrio boni judicis neceſſariis, abſque tamen calumnia.

Et eodem modo quo ſupra in omnibus cauſis ſummariis procedatur, et breviter, ut in cauſis infra viginti libras, procedatur æque ſummarie, ſalvis infraſcriptis atque ſolitis, et in cauſis infra decem libras.

In plenariis vero uſitata procedendi forma ſervetur, terminis tamen arbitrio judicis, ſalvis ſubſtantialibus judicii, corripiendis et abbreviandis.

In caufis vero appellationum ftatutum eft, fi ab interlocutorio appellatum fuerit, ut nequaquam devolvantur, nifi caufæ in appellatorio contentæ relevantes apparuerint, juxta juris difpofitionem. Abfolutiones vero nullæ dentur ante devolutionem, five ab interlocutoria five a diffinitiva fuerit appellatum: præterea, fi decretum fuerit per judicem, ad quem bene judicatum et male appellatum, ab interlocutoria remittatur caufa judicii, a quo nec retineatur; et ante omnia cavendum, ne dentur citationes et inhibitiones fuper appellatoriis, nifi vifis apoftolis.

Item infra archidiaconatum Laudoniæ non committatur examinatio teftium ulli notario curiæ Primatis, nifi ipfi Officiali Laudoniæ ejufve Commiffariis primitus per fupplicationem ad hæc faciendum requifitis.

Item fi quis citatus ad refpondendum pofitionibus et articulis comparens, jurare aut refpondere requifitus per judicem, recufaverit; decrevit Conventio, quod et juris communis difpofitioni consonum effe agnofcit, ut pro confitente contenta in articulis habeantur, ne per recufantis malitiam retardetur jus alterius partis.

Item caveant procuratores, et alia membra judiciorum, ne judicem vociferationibus in judicio turbent, ne vel palam vel occulte apud collitigantes blafphemiis aut co[nv]iciis traducant; sed fi læfos fefe quovifmodo comperiant, modefte de remedio juris proteftentur.

Item ftatutum eft, ne quis officio procurandi fefe ingerat, nifi cat[a]logo fuerit defcriptus, atque hi omnes fint jurati ad præmiffa obfervanda, et ad omnimodam reverentiam judici, tam in judicio quam extra, exhibendam; et qui in præmiffis culpabiles fuerint, arbitrio judicis coerceantur, vel a procurandi officio penitus fufpendantur.

[Indictio futuri Concilii Provincialis.]

[237.] Demum hæc Sancta Synodus seu Concilium Provinciale statuit et decrevit proximum futurum Concilium Provinciale hujus provinciæ Scoticanæ habendum et celebrandum fore, sine quacumque prætermissione, aut litteris mittendis vel fulminandis, in loco Fratrum Prædicatorum Edinburgensium, infra oppidum Edinburgi, die Jovis decimo quarto mensis Augusti proxime futuri, salvis tamen impedimentis; alioquin dicto die Jovis decimo quarto mensis Augusti præfati, in civitate Sancti Andreæ seu oppido de Lynlythquo Sancti Andreæ diœcesis; sic et prout rogati et requisiti fuerint Episcopi Ordinarii, Prælati, et alii de clero regni prædicti.

[Concilium Provinciale per Prælatos et clerum regni Scotiæ habitum Edinburgi, die vicefimo fexto menfis Januarii, anno Domini 1551.]

[Approbatio ftatutorum prioris Concilii.]

[238.] Imprimis hoc præfens Concilium, [conftans] hujus regni prælatis, Provinciale Concilium [facientibus], relectis, auditis, et difcuffis diligenter per omnia ftatutis et ordinationibus aliarum Provincialium Conventionum, præfide reverendiffimo Domino Primate totius regni moderno et præfenti, antehac habitarum, eadem in certiffimum totius ecclefiaftici ftatus ac populi Chriftiani commodum vergere, in univerfum ratificanda, approbanda, et obfervanda, una cum nonnullis in hac Synodo additis et adjectis, quæ in fpecie fequuntur communi omnium et publico decreto conc[lu]fa, prout eadem præfenti tenore approbat, acceptat, et ratificat.

Executio decretorum prioris Concilii.

[239.] Vero quia propter temporis difficultatem et multiplicia impedimenta quædam eorumdem ftatutorum prius editorum, quibus executioni demandandis certa in ipfis erant tempora præfixa, nullum tamen adhuc effectum funt fortita; idcirco expreffo jam omnium confenfu, abfque ulla ulteriori dilatione, deinceps eadem, quemadmodum antea falubriter fancita erant, ita et nunc diligenter executioni demandanda decrevit, ad tempora inferius limitata, prout unufquifque Ordinariorum refpondere voluerit pro fuo officio in diftricto Dei judicio.

De prædicatione verbi Dei.

[240.] Et fpecialiter cum ceteris omnibus fuprafcriptis approbat præfens Conventio ftatutum illud prius editum, de Divini verbi prædicationibus per rectores et [Epifcopos] quater fingulis annis fiendis, cum mulctis et pœnis in deficientes feu contravenientes eidem utrobique adductis; atque ejufdem executionem per fingulos Ordinarios fieri mandat infra hinc et proximas cujufque diœcefis synodos, et quod in contravenientes fuafve partes in dicto ftatuto injunctas [abfque mora monitiones] fimplices dentur pro ipsarum mulctarum folutione, juxta ftatuti tenorem per ipfos Ordinarios, aut eorumdem Commiffarios, in religioforum et pauperum ufus applicandarum.

De Theologo et Canonifta.

[241.] Approbat quoque fimiliter ftatuta ifta de Theologis et Canoniftis apud fingulas ecclefias cathedrales, necnon pro Theologis in fingulis monafteriis inftituendis, et honorifice fuftentandis, juxta continentiam ejufdem. Placet univerfo Concilio, [ut] ftatuta eadem fententia debitam executionem fortiantur, infra hinc et feftum Divi Michaelis proximum, et quod contra negligentes feveriter procedatur; atque eodem modo ut ftatutum illud de religiofis ad Univerfitates ftudiorum gratia mittendis, et ibi juxta monasterii facultates honefte fuftentandis, fuam executionem cum omni rigore, infra hinc et feftum Pentecoftes proximum, fortiatur.

De examinatione curatorum et vicariorum.

[242.] Ad hæc univerfæ Synodo vifum eft utile et neceffarium, ne diutius per minus fufficientes feu [in]idoneos curatos animarum cura defraudetur, ut ftatutum illud de curatorum et vicariorum penfionariorum examinationibus, diligenti indagatione et executione habeatur infra hinc et proximas

cujufque diœcefis fynodos ; et ibidem circa ftatutum de monafteriorum examinationibus et clericorum parochialium.

De computo et ratiocinio teftamentorum.

[243.] Approbat fimiliter præfens Conventio conftitutionem illam de teftamentorum confirmationibus prius promulgat[am], hoc addito, ut impofterum nullæ omnino confirmationes ad intus et extra dentur, fed fingula confirmanda in fpecie exprimantur et contineantur in bonorum inventariis, non autem fub aliqua fumma generali et extra, fub pœna amiffionis cotæ levandæ piis ufibus applicandæ.

Item mandat ut reverendiffimi et reverendorum dominorum Ordinariorum Decani regiftra teftamentorum tam majorum quam minorum habentes, eadem bis fingulis annis ipfis Officialibus feu Commiffariis generalibus patefaciant, ut Procuratoribus Fifcalibus pro computis et ratiociniis eorumdem teftamentorum mandatum dent, ut ipfa computa expedienda quam primum juris ordine curent, qui et ipfi Procuratores fuper debito fui officii refpondere voluerint, alioquin de negligentia puniendi et officio deftituendi, ne tam proles defunctorum fuis portionibus bonorum, quam creditores et legatarii fraudentur.

Simili quoque modo ftatutum illud de teftamentis Orcadenfis diœcefis ad formam et morem ceterarum hujufmodi regni diœcefium ordinandis, approbat, et ad teftamenta diœcefis [Sodorenfis] et Infularum omnino extendendum decrevit ; cum ubi pia dignofcitur effe ratio, eadem quoque debet effe juris difpofitio.

De caufis matrimonialibus.

[244.] Porro quia contingit caufas matrimoniales nimis leviter in judicio tranf-

mitti, cum tamen ſint ſua natura valde graves et arduæ, ac Epiſcopis ipſis de jure reſerv[en]tur; ſtatuit hæc Sancta Prælatorum Conventio, ut nullæ deinceps ſententiæ in cauſis matrimonialibus ad divortium tendentibus per Officiales ſeu Commiſſarios cujuſcumque diœceſis hujus regni pronuntientur, niſi proceſſus hujuſmodi et cauſarum merita per ipſos Ordinarios diſcuſſa et legitime perpenſa fuerint; quo facto, ex ſpeciali ipſorum Ordinariorum mandato et conſilio, quod ſacris canonibus conſonum fuerit decernatur; utque teſtes ipſi in ejuſmodi cauſis prudenter et circumſpecte ſuper facti circumſtantiis ad teſtium fidem tentandam et explorandam neceſſariis et opportunis examinentur et diligenter interrogentur; quodque ſuppoſitiones pro teſtium examinationibus infra alienas diœceſes, præciſe ipſis locorum Ordinariis, Officialibus ſeu Commiſſariis [generalibus] cujuſcumque diœceſis, et nullis deputatis aut ſubſtitutis, delegabuntur: teſtibus vero ſecus examinatis nulla fides adhibeatur.

Quod parochiani ſingulis Dominicis et feſtivis interſint Miſſæ.

[245.] Item præſens Conventio animadvertens Divinorum m[y]ſteriorum contemptum maximum aliquot hiſce proximis annis inter regni ſubditos invaluiſſe, ſic ut pauci admodum ex populoſiſſimis parochiis Sacroſanctæ Miſſæ ſacrificio diebus Dominicis et aliis feſtivis duplicibus ab eccleſia indictis, aut Divini verbi prædicationibus adeſſe dignentur; ideo ſtatuit et ordinat, ut omnes et ſinguli a ſuis parochialibus Miſſis diebus præſcriptis vel prædicationibus verbi Divini in ſuis eccleſiis parochialibus ſeſe ultro abſentantes diligenter notentur per curatos, qui eoſdem Decanis ipſis ſuis et viſitatoribus majorum exceſſuum deferant, pœnis publicatis juxta perſonarum qualitates et delicti hujuſmodi frequentationem et hujuſmodi deficient[ia]m diſtricte puniendos; et ſimiliter, qui rem ſacram minus reverenter aut indevote audire conſueverint, quique jocantur aut ſcurriliter ſeſe gerunt in eccleſiis temporibus ſermonum, aut qui in portis eccleſiarum ſeu cœmiteriis ludibria interim exercere aut aliis profanis negotiationibus

vacare præſumpſerint, non ſolum cenſura eccleſiaſtica feriantur, ſed etiam aliis pœnis arbitrio Ordinariorum infligendis ſubjaceant. Et quod hujuſmodi abuſuum occaſiones citius tollantur, ſtatuit hæc præſens Conventio, ut prohibeantur per vicarios et curatos omnes mercaturæ in portis eccleſiarum, et in cœmiteriis, Divinorum tempore diebus Dominicis et feſtivis, et quod nulla venalia durante Sacro exponantur ſeu aperiantur prope limites eccleſiarum, ſed quod ſinguli tunc temporis vel ſacris orationibus et precibus vel verbi Divini prædicationibus diligenter attendant, et hoc ſub pœna excommunicationis et ducentum ſolidorum ſingulis vicibus quibus præſentibus fuerit contraventum.

De viſitatione Hoſpitalium.

[246.] Inſuper præſens Conventio pietate erga pauperes Chriſti mota, ad quorum ſupportationem Hoſpitalia ab initio erant inſtituta, ſtatutum illud ſaluberrimum ſu[per] viſitationibus Hoſpitalium in ſingulis hujus regni diœceſibus, infra hinc et feſtum Divi Michaelis proximum executioni demandari vult; et ut Decani in ſuis viſitationibus de ſtatu omnium Hoſpitalium juxta tenorem illius ſtatuti referant et debito tempore Officialibus ſeu Comiſſariis generalibus, ad effectum ut ipſi defectus hujuſmodi corrigant, et opportuna remedia deſuper proſpiciant.

Additio ad vetus ſtatutum de excommunicatis vitandis.

[247.] Item quod excommunicatio omnium eccleſiaſticarum [pœnarum] graviſſima paſſim, præ hominum corruptis et diſſolutis moribus, prope viluit, ut eidem tamen ſua auctoritas, reverentia et vigor juxta ſacrorum ſanctiones canonum reſtituatur, quantum hæc tempora ferunt; ſtatuit hæc præſens Conventio, ut nomina excommunicatorum per ſingulos curatos ſuarum parochiarum, cujuſcumque ſtatus, gradus, conditionis aut præeminentæ fuerint, in

ſuis libris ſcribantur, ac ſingulis Dominicis diebus publicentur, omni timore et favore excluſis.

Nomina excommunicatorum publicentur.

[248.] Item ut inſordeſcentes ad viginti dies juxta iſtud ſtatutum Provinciale, niſi ſub juſta appellatione fuerint, velut abominabiles in cancellis eccleſiarum parochialium et in aliis publicis locis per curatos affigantur, et ibidem fixa [remaneant eorum nomina], donec abſolutionis beneficium obtinuerint. Habita vero abſolutione, nomina eorum de libris deleantur, et in margine ſcribatur : *Talis abſolutus.*

Inſordeſcentes affigantur in cancellis aut valvis eccleſiæ.

[249.] Insuper ut ipſi curati, antequam exordiantur rem Divinam, moneant publice et generaliter omnes perſonas excommunicatas, ut quamprimum ſeſe a Divinis rebus amoveant ; certificando expreſſe, quod quicumque ſcienter poſt illam admonitionem ſeu requiſitionem ſeſe Divinis ingeſſerit, tunc temporis excommunicatus exiſtens, ſive perſonaliter ſive in ſua eccleſia fuerit parochiali publice et ſolemniter denunciatus, ſententiam juris incurret, a qua non poterit abſolvi niſi per Sanctiſſimum Dominum Noſtrum Papam, et inſuper pœnis Actorum Parliamenti ſubjacebit. Et ſi eccleſiaſtica perſona aut beneficiata fuerit, et hujuſmodi admonitionem contempſerit, aut quamdiu ſub excommunicatione ejuſmodi inſorduerit, quod pro rata temporis ſuæ inſordeſcentiæ fructibus ſui beneficii privabitur, in pauperes ſuæ parochiæ per Ordinarios aut eorumdem Commiſſarios erogandis : ſi vero non fuerit beneficiatus, tamdiu incarceretur pane et aqua, quamdiu ſub ejuſmodi cenſura inſorduerit, vel aliter arbitrio Ordinarii puniatur.

De glebis ecclefiæ non alienandis.

[250.] Præterea quod res et bona ecclefiarum et certæ decimæ reditus et proventus jam paffim fub prætextu evidentis utilitatis ecclefiarum, ad ipforum poffefforum cupiditatem dumtaxat explendam, aut confanguineorum aut amicorum opes, facultates et poffeffiones augendas et ampliandas, carnali affectione ad longum tempus locantur, alienantur, dilapidantur et profligantur, tam in ipfarum ecclefiarum irreparabile difpendium et damnum, quam etiam in ipforum fucceftorum fummam inopiam et penuriam, ut vix ex reliquis fructibus onera ecclefiæ et neceffarias expenfas juxta perfonæ fuæ facultatem fufferre poffit et valeat: quocirca hujufmodi parum providis ecclefiafticarum perfonarum adminiftrationibus occurrere volens, præfens Conventio inhibet expreffe, ne impofterum manfiones croftæ proximæ vicariis ipfis refidentibus deputat[æ] ecclefiis contigue jacentes per rectores vel vicarios in emphiteofim ullo tempore futuro dentur, aut ad longum tempus affedentur: conftitutiones veteres Provincialium Conciliorum hujus regni defuper olim prudenter fancitas in ufum revocandas, hoc ipfum temporum neceffitate exigente, decrevit, eafdem approbat in omnibus et ratificat, ac in perpetuum valitura conftitutione firmum eifdem robur addit.

De clandeftinis matrimoniis, et bannis, et regiftris curatorum.

[251.] Eodem quoque modo approbat et ratificat præfens Conventio vetera illa ftatuta Provincialia fuper clandeftinis matrimoniis, et bannorum debitis proclamationibus, tenorefque eorumdem præfentibus inferi mandat; eifdemque addendo quod quia experimentis quotidianis compertum eft e[t] nativitat[is] et matrimoniorum clandeftinorum queftibus et controverfiis, quamvis etiam legitime natis, in fummum paternæ feu avitæ hæreditatis ac fortunarum omnium difcrimen adduci, et hoc potiffimum defectu legiti-

morum documentorum ſuper natalibus et nativitatis temporibus, ſuperque b[an]norum proclamationibus ; ſtatutum igitur eſt, ut ſinguli curati deinceps habeant regiſtrum, in quo nomina infantium baptiſatorum inſcribantur, una cum nominibus perſonarum quæ talium baptiſatorum parentes communiter habentur et reputantur, nec non compatr[u]m et commatr[u]m, cum die, anno, menſe, adſcriptis etiam duobus teſtibus, notent ; quod etiam ipſum in bannorum proclamationibus ſervetur, quas præſens Conventio in eccleſiis parochialibus tam viri quam mulieris reſpective, ſi div[er]ſarum fuerint parochiarum, fieri mandat : quæ quidem regiſtra inter pretioſiſſima eccleſiæ jocalia conſervari vult et præcipit ; quodque Decani in ſuis viſitationibus deſuper diligentem indaginem faciant, et deficientes ad Commiſſarios referant, ut graviter in eoſdem animadvertatur.

De pœna miniſtri in clandeſtino matrimonio.

[252.] Præterea ſtatuto de pœnis tam partium contrahentium quam miniſtrorum in matrimoniis clandeſtinis addit, et id aliqua ex parte reformat, ſtatuitque ut preſbyteri ſuam ad eadem clandeſtina matrimonia contrahenda operam ſeu miniſterium accommodantes incarcerentur per annum in pane et potu, nec non ab executione ordinum ad triennium ſuſpendantur ; parteſque ipſæ contrahentes publicas agant pœnitentias, arbitrio Ordinariorum juxta ſtatum et qualitatem earumdem perſonarum moderandas et imponendas : hortaturque, ne Ordinarii ſint in hac parte quacumque occaſione nimis remiſſi, ut plurima inconvenientia, quæ hinc proveniunt, ſaltem metu pœnæ evitentur.

Circa editionem et publicationem Catechiſmi in gratiam virorum eccleſiaſticorum curas animarum gerentium.

[253.] Item præſens hæc Conventio ſemper ob oculos habens, quam diligenter eccleſiæ paſtoribus a paſtorum omnium principe Chriſto Ieſu ſit prædi-

candi verbi Dei officium commendatum, ut ſaltem in primis fidei Catholicæ rudimentis probe inſtituantur greges ipſi ſuæ curæ concrediti; atque interim ſecum reputans quot horrendæ hæreſes aliquot hiſce annis in variis et diverſis hujuſce regni partibus ſint graſſatæ, jam vero Dei Optimi Maximique providentia, ſingularique favore Principum ac Prælatorum vigilantia ſtudioque erga fidem Catholicam tandem repreſſæ, ac fere ſopitæ videantur; conſideranſque inſuper eccleſiaſticos hujus regni inferiores et Prælatos pro majori parte nondum eo eruditionis in Sacris literis eſſe provectos, ut populum recte in fide Catholica, aliisque ad ſalutem neceſſariis inſtruere, aut errantes convertere ſuo ſtudio valeant: ad igitur juvandos eorum pios conatus, induſtriamque promovendam, utque eadem vera, Catholica et Apoſtolica fides, ſecluſis univerſis erroribus, integra et inviolabilis conſervetur; ſtatuit et ordinat librum quemdam vulgari et Scotico idyomate conſcriptum, ac prudentiſſimorum totius regni Prælatorum doctiſſimorumque Theologorum et aliorum eccleſiaſticorum virorum præſenti Conventioni intereſſentium judiciis et calculis exactiſſima diſcuſſione habita approbatum, in rectorum, vicariorum, et curatorum manus, tam pro ſua quam populi Chriſtiani, cujus curam gerunt, inſtructione tradendum: quem Catechiſmum, id eſt, communem et facilem rudimentorum fidei inſtitutionem et doctrinam vocari vult, ipſiuſque reverendiſſimi Domini Joannis Sancti Andreæ Archiepiſcopi ac totius regni Scotiæ Primatis, in præſenti Concilio præſidis, ipſiuſque Provincialis hujuſce Synodi nomine imprimendum, inque lucem edendum, ac in multa exemplaria tranſſumendum, continentem veram ſinceramque, juxta Catholicæ eccleſiæ ſenſum ac intellectum Decalogi, ſeu decem mandatorum Dei interpretationem, articulorum fidei, ſeptemque ſacramentorum ſimplicem, puram et Chriſtianam doctrinam, nec non Orationis Dominicæ et Salutationis Angelicæ integram et ſalutarem expoſitionem; quorum ignorantia, ut ait Bernardus, in *Declamationibus*, excuſare non poterit hominem, *qui ſe magiſtrum infantium, doctorem inſipientium profitetur*, quippe ipſe *ignorans* [*utique*] *ignorabitur, immo* [*et*] *multos ignorare faciet et ignorari. Qu*[*id*] *enim*

periculi ſit, [*ubi*] *non invenit paſtor paſcua,* [*ignorat*] *dux itineris viam, vicarius neſcit Domini voluntatem, eccleſia quotidie multipliciter et miſerabiliter experitur.* Hæc Divus Bernardus.

Cujus quidem libri exemplaria omnia, ubi excuſa fuerint, præſentari ipſi reverendiſſimo mandat et ordinat præſens Concilium, ut ipſe ſingulis tam ſuis eccleſiaſticis quam aliis ſingulis locorum Ordinariis, quot cuique diœceſi pro rectorum, vicariorum ac curatorum numero et multitudine ſufficere videntur, eis tribuat; reliqua vero apud ipſum reverendiſſimum remaneant et firma cuſtodia ſerventur, prout tempus et neceſſitas expoſtulaverint, diſpertienda.

Caveant vero ipſi rectores, vicarii et curati, ne ſua exemplaria ſecularibus quibuſque indiſcrete communicent, niſi ex judicio, conſilio et diſcretione ſui Ordinarii; quibus Ordinariis licebit nonnullis probis, gravibus, bonæ fidei, ac discretis viris laicis ejuſdem Catechiſmi exemplaria communicari, et iis potiſſimum qui videbuntur potius ſuæ inſtructionis cauſa quam curioſitatis cujuſcumque eadem expetere.

Cujuſquidem Catechiſmi ſingula capita et partes ſingulas, ab ipſa præfatione ſeu exordio libri incipiendo ad finem uſque, abſque interruptione ſeu locorum quorumcumque omiſſione, continuando, rectores per ſe vel ipſi vicarii aut curati, qui curam adminiſtrant, omnibus Dominicis et feſtivis diebus, quando ad Divina audienda populus convenire ſolet et tenetur, alta et intelligibili voce, diſtincte, clare, articulate et punctuatim, omnibus ſilentio interdicto, quanta poterit maxima gravitate, in ſuggeſto, ſuperpellicio ac ſtola induti, ante Summam Miſſ[am], ad dimidiæ horæ ſpatium, legere ac de libro ipſo recitare integre et abſque ulla hæſitatione, nihil addito, mutato, ſuppreſſo, vel omiſſo, ſed prout verba jacent, ſic ut populus lecta et recitata modo quo ſupra audire cum fructu, ac ædificationem inde concipere, et ſuæ ſalutis intelligentiam haurire valeat.

Quod ipſum quo melius, facilius et cum majori populi reverentia et utilitate præſtare poſſint ipſi quibus hoc mun[u]s præſenti conſtitutione injungitur, caveant ipſi rectores, vicarii vel curati ne minus præmeditate in pulpitum conſcendant, ſed toto ſtudio et intentione ad lectionem peragendam crebra, frequenti ac diuturna futuræ lectionis repetitione ſeſe præparent, ne ſe auditorum ludibrio exponant, ubi imparati in medio lectionis curſu hæſitaverint aut impegerint, et propter hoc maledictioni Divinæ ſe reddant obnoxios, quum, ut inquit Scriptura: *Maledictus omnis qui facit opus Dei negligenter:* et ſimiliter, ne languide et oſcitanter, ſed cum quanto poſſint maximo ſpiritus ardore, voce, vultu et geſtu ad pronuntiationem concurrentibus, ut quæ leguntur animis auditorum vivæ vocis impreſſione, prout cuique gratiam dederit Dominus, infigantur: hoc tamen proviſo, ut non liceat cuique auditorum ſuper lectis, aut modo quo ſupra recitatis, controverſiam ipſi rectori vicarioque ſeu curato movere; et ſi aliquis id attemptare præſumpſerit, deferatur inquiſitoribus hæreticæ pravitatis. Nec viciſſim licebit ulli rectori, vicario ſeu curato, niſi ad hoc ipſum, ſpecialiter habita conſideratione totius qualificationis, fuerit ab Ordinario loci ei facultas conceſſa in ſcriptis, ullis quæſtiones et controverſias hujuſmodi moventibus deſuper reſpondere aut diſputationes ingredi, ſed mox reſpondeatur ſe hujuſmodi dubitationis reſolutiones ad ipſos Ordinarios remittere; et hoc ſub pœna privationis ab hujuſmodi officio ſeu beneficio.

De multa in negligentes lectionem Catechiſmi.

[254.] Quod ſi [quis] rector, vicarius ſeu curatus in aliquo præſentis ſtatuti puncto negligens aut culpabilis fuerit deprehenſus, pro prima vice multetur viginti ſolidis, irremiſſibiliter ab eo exigendis et levandis; pro ſecunda, triginta ſolidis; pro tertia, duplicetur multa, et cum hoc incarceretur in pane et potu dumtaxat ad menſem, et ulterius ad arbitrium Ordinarii. Nihilominus ubi contingit conciones verbi Dei per Religioſos vel alios ordinarios prædicatores vice rectorum juxta tenorem priorum ſtatutorum interim fieri, quod

talibus diebus Catechifmi lectio intermittatur impune. Et fuper fingulis punctis et partibus præfentis ftatuti fiant diligentes inquifitiones per Decanos in fuis vifitationibus, et defuper delationes fiant fideles abfque omni favore vel odio Commiffariis majorum exceffuum.

Finis

omnium ftatutorum Concilii Provincialis in omnibus fuis feffionibus facti per reverendiffimum dominum Joannem Archiepifcopum Sancti Andreæ, et reliquos regni Scotiæ Epifcopos, Prælatos et Abbates, ac totius ecclefiæ Scoticanæ clerum, in annis Domini millefimo quingentefimo quadragefimo nono, et quinquagefimo primo, refpective.

[Concilium Provinciale cleri totius regni Scotiæ cœptum Edinburgi primo die menſis Martii anno Domini 1558, et finitum ibidem decimo die menſis Aprilis anno Domini 1559.]

Exemplar litterarum reverendiſſimi in Chriſto patris Domini Joannis Archiepiſcopi Sancti Andreæ, Primatis totius regni Scotiæ, reverendiſſimo patri Domino Jacobo Archiepiſcopo Glaſguenſi, pro convocando Concilio Nationali eccleſiæ Scoticanæ.

[255.] Joannes, miſeratione Divina Sancti Andreæ Archiepiſcopus, totius regni Scotiæ Primas, Apoſtolicæ Sedis Legatus natus, ac per univerſum regnum prædictum ejuſdem Sedis de latere Legatus, reverendiſſimo in Chriſto patri ac fratri noſtro Domino Jacobo Dei et Apoſtolicæ Sedis gratia Archiepiſcopo Glaſguenſi, felix ſuſceptæ curæ moderamen et mutuam in Domino caritatem pro ſalute. Inter graves ſolicitudines et multiplices animi curas, quibus pro paſtoralis officii ac metropoli[ti]cæ et pr[imat]ialis [auctoritatis] noſtræ debito premimur, verum etiam ex injuncto nobis Apoſtolicæ legationis munere, quo (licet immeriti) ex Apoſtolicæ Sedis clementia in hoc regno fungimur, ea peculiaris et præcipua eſt, ut defenſioni et indemnitati ac animarum ſaluti, non ſolum diœceſanorum noſtrorum nobis immediate ſubjectorum, ſed et aliorum nobis tam jure metropolitico et regni primatiali quam etiam jure legationis Apoſtolicæ de latere nobis commiſſæ ſubditorum, quorum auctor æternus de ſua benignitate et clementia, et Apoſtolicæ Sedis providentia, curam, ſuperioritatem, dominium, viſitationem, correctionem, juriſdictionem, reforma-

tionem, poteftatem, et præeminentiam habere voluit, femper et affidue invigilemus ac remediis et curis omnibus ita provideamus ne Sancta Catholica Scoticana ecclefia, illiusve Prælati, miniftri, et fubditi etiam cujufvis exemptionis titulo qualitercumque infigniti, hoc tempore procellofo, Lutheranis, Calvinianis, et aliis quamplurimis nefandis hærefibus undique infra regnum iftud pullulantibus, per hæreticos et hærefiarchas, ac hæreticæ pravitatis Lutheranarum et Calvinianarum et nefandarum aliarum hærefium in hoc regno fautores, auctores, affiftentes, et infectatores indies et continuo omni eorum cura, ftudio et diligentia libertatem ipfam ecclefiafticam, illiufque ftatum, ac jura et privilegia ipfius Sanctæ Scoticanæ ecclefiæ fimpliciter et in totum ærumnare, tollere et fubvertere nitentes, in fpiritualibus aut temporalibus, damnum aliquo modo feu detrimentum aliquod patiatur feu pati valeat, fed in unitate fidei Chriftianæ, [ftatu, libertate] et privilegiis fuis priftinis, fublatis quibufv[is] erroribus et obftaculis in contrarium agentibus, femper et fecure ac pacifice, ut decet, remaneat. Et ut hæc eo citius, facilius et melius et felicius fuccedant, quo Paternitas veftra reverendiffima et alii hujus regni Prælati, ac cleri famofior pars, in unum nobifcum congregati, prout ex fanctorum patrum decretis et ordinationibus, tam pie tamque falubriter editis, per fingulas provincias Epifcoporum Concilia Generalia, tum ad Dominici agri præcipue culturam quæ vepres, fpinas et tribulos hærefium, errorum et fchifmatum extirpat, mores et exceffus corrigit, deformata reformat, et vineam Domini ad frugem uberrimæ fertilitatis adducit, tum ad querelarum et controverfiarum quæ inter diverfos ecclefiæ ordines nafci affolent, diffolutionem, quorum neglectus præmiffa diffeminat atque fovet, quotannis, fæpiusque et frequenter celebrari ufum eft, quæ fieri mandantur, veftra et eorum opera, cura, confilio, unanimique concurfu, pro libertatis ecclefiæ hujufce regni defenfione et manutentione, perfonaliter compareant, pro Conventione et Synodo Provinciali Generali inter nos, Paternitatem veftram et eos ad præmifforum effectum habenda, ad laudem, gloriam et honorem Sanctiffimæ et Indivi-

duæ Trinitatis, Patris videlicet Filii et Spiritus Sancti, Beatæque Intemeratæ Virginis Mariæ, Dei Domini noſtri Ieſu Chriſti genetricis, et Omnium cœleſtis curiæ Sanctorum, ac ad hujus univerſalis Scoticanæ eccleſiæ immenſum et inæſtimabile bonum, auctoritate noſtra metropoli[ti]ca et regni pr[imat]iali (cum de jure Concilium ipſum Provinciale Generale et in hoc regno indicere et convocare ſpectat et incumbit nobis, ut præmittitur) ac etiam inſtigante pia et benigna requiſitione illuſtriſſimæ [et Supremæ Dominæ noſtræ] Reginæ Regentis ad effectum præmiſſorum, videntis quam maximos nefarios tumultus in populo decedente et prorſus aberrante a vera fide, idem Concilium Provinciale Generale, die primo menſis Martii proxime futuri, intra locum Fratrum Dominicanorum Edinburgi celebrandum, tenendum et inchoandum, cum continuatione et prorogatione dierum ſubſequentium, uſque ad ejuſdem concluſionem et diſſolutionem, in quo (diſponente Altiſſimo) præſidebimus, indicimus, convocamus, denuntiamus, ſtatuimuſque et præfigimus. Quare veſtram reverendiſſimam Paternitatem in Domino obnixe requirimus et hortamur, quatenus una nobiſcum et aliis reverendis patribus et fratribus noſtris Dominis hujus regni Epiſcopis et Prælatis ac clero, eadem veſtra Paternitas reverendiſſima compareat perſonaliter dictis die et loco, cum continuatione dierum ſubſequentium uſque ad finalem concluſionem dicti Concilii Provincialis Generalis, hora octava de mane, ad pertractandum, communicandum, conſulendum, determinandum et definiendum ea quæ pro libertatis eccleſiaſticæ totius Scoticanæ eccleſiæ, et ejuſdem privilegiorum et immunitatum conſervatione, manutentione et defenſione pertractanda, communicanda, conſulenda, determinauda et definienda fuerint. Inſuper citari, requiri et moneri veſtra ordinaria auctoritate curetis reverendos ac venerabiles patres Dominos Epiſcopos veſtros ſuffraganeos, ac Abbates, Priores, Commendatarios, Decanos, Præpoſitos et alios viros eccleſiaſticos circumſpectos, veſtros ſubditos, et ex famoſioribus, conſultioribus et prudentioribus de capitulis et clero veſtrarum eccleſiæ, civitatis, diœceſis et provinciæ Glaſguenſis, etiam Religioſos, cujuſvis ordinis fuerint, et ut

præmittitur, qualitercunque exemptos, prout Paternitati veſtræ reverendiſſimæ viſum fuerit expedire, ad vobiſcum dictis diebus et loco ad effectum præmiſſorum comparendum, ibidemque nobiſcum unacum Paternitate veſtra reverendiſſima, et aliis regni Prælatis et clero, uſque ad diſſolutionem, terminationem, concluſionem vel continuationem dicti Concilii Provincialis Generalis incluſive permanſuros, obnixe, ut præmittitur, requirimus et hortamur in Domino. Præterea, ex pia requiſitione et benigna illuſtriſſimæ et Supremæ Dominæ noſtræ Reginæ Regentis, proceſſiones publicas, uti moris eſt, omnibus diebus Dominicis, quartis et ſextis feriis, infra veſtram diœceſim, in omnibus collegiatis et parochialibus eccleſiis et aliis quibuſcunque, per vicarios, curatos et capellanos, [cauſa] orandi Deum pro felici ſucceſſu [hujuſmodi] noſtri Concilii Generalis Provincialis, ac pace et tranquillitate Reipublicæ hujus regni, et ſublatione errorum et hæreſium, fieri procuretis et demandetis. Datum Edinburgi, ſub noſtra ſubſcriptione manuali et ſigneto noſtro, ultimo die menſis Januarii, milleſimo quinquageſimo octavo, et conſecrationis noſtræ anno decimo tertio, et tranſlationis noſtræ ad regni primatialem ſedem anno decimo.

Veſtræ reverendiſſimæ Paternitatis
humillimus confrater,
JOANNES, archiepiſcopus Sancti Andreæ.

Reverendiſſimo in Chriſto patri Domino Jacobo Dei gratia Archiepiſcopo Glaſguenſi confratri noſtro chariſſimo.

Mandatum Jacobi Archiepiſcopi Glaſguenſis pro convocatione Abbatum, Priorum, etc., ſuæ diœceſis ad dictum Concilium Provinciale jam inceptum.

[256.] Jacobus, miſeratione Divina Archiepiſcopus Glaſguenſis, Decano noſtro Chriſtianitatis de Lanrick, ſeu cuicunque alteri capellano curato vel non curato infra civitatem diœceſim et provinciam noſtram Glaſguenſem

conftituto, et fuper executione præfentium debite requifito, falutem cum benedictione Divina. Vobis et veftrum cuilibet in virtute fanctæ obedientiæ et fub pœna fufpenfionis a Divinis ftricte præcipiendo mandamus, quatenus moneatis legitime omnes et fingulos Abbates, Priores, Commendatarios, Ufufructuarios, Miniftros, Præceptores, Præpofitos, et infigniores ac probiores ecclefiarum parochialium rectores et vicarios perpetuos, per veftrum decanatum conftitutos, et præfertim Magiftrum Robertum de Bailye rectorem de Lamington, Magiftrum Nycholaum Craford rectorem de Hartfyde, Thomam Levinfton rectorem de Cultre, Magiftrum Johannem Stenfone rectorem de Thankerton, Magiftrum Thomam Somervell rectorem de Quenquhem, et Dominum Thomam Wedy rectorem de Liberton, quod compareant perfonaliter coram nobis et reliquis hujus Synodi dominis Ordinariis, Prælatis, et de clero, in loco Fratrum Dominicanorum Edinburgenfi die fexto menfis Aprilis proxime futuri, ad ea omnia et fingula quæ ad eos attinent tractanda, agenda, decernenda, et concludenda, affiftendum et confentiendum, et genera[liter] omnia alia faciendum quæ in præmiffis et circa ea neceffaria fuerint feu quomodolibet opportuna, fub pœna excommunicationis majoris fententiæ latæ in his fcriptis: et præfentes debite executas earundem latori reddatis. Datum fub noftro figneto apud Edinburgum die decimo octavo menfis Martii, anno Domini millefimo quingentefimo octavo, et noftræ confecrationis anno feptimo.

Per dictum reverendiffimum dominum Archiepifcopum Glafguenfem,

WILLELMUS FOGO, fecretarius de mandato.

[*Sequuntur fubfcriptiones prædictorum Decani, rectorum, etc., quibus teftantur fe mandatum Archiepifcopi præfcriptum debite infinuaffe et executioni mandaffe.*]

Mandatum Malcolmi, Vicarii Generalis ecclefiæ Candidæ Cafæ, infra provinciam Glafguenfem, quo convocat Abbates, Priores, etc. ejufdem diœcefis Candidæ Cafæ ad dictum Concilium Provinciale jam inchoatum.

[257.] Malcolmus, permiffione Divina Commendatarius perpetuus ecclefiæ cathedralis Candidæ Cafæ, et fedis Epifcopalis ejufdem jam vacantis Vicarius Generalis, venerabili viro Domino Michaeli Hawthorn noftro Commiffario et Decano de Farnes et Rennis, feu cuicunque alteri capellano curato vel non curato, infra noftram jurifdictionem Divina celebranti, et fuper executione præfentium debite requifito, falutem. Quia reverendus in Chrifto pater et dominus Jacobus miferatione Divina Archiepifcopus Glafguenfis, literas fuas monitoriales ad univerfos et fingulos Ordinarios fuos fuffraganeos ad comparendum coram reverendiffimo in Chrifto patre et domino, Domino Johanne eadem miferatione Divina Sancti Andreæ Archiepifcopo, totius regni Scotiæ Primate, Legato nato, et a Pafleto Abbate, in cœnobio Fratrum Prædic[a]torum Edinburgenfi, die fexto menfis Aprilis proximo futuri, ad omnia et fingula quæ ad eos attinent tractanda, agenda, definienda, et concludenda, in hoc inftanti Concilio Provinciali jam inchoato et quotidie conveniente et fedente in dicto cœnobio, fub pœna excommunicationis, emifit: Vobis igitur et veftrum cuilibet præcipimus et mandamus, quatenus moneatis legitime primo, fecundo, tertio, et peremptorie omnes et fingulos Abbates, Priores, Commendatarios, Ufufructuarios, Miniftros, Præceptores, Præpofitos, et probiores viros beneficiatos præfatæ noftræ diœcefis Candidæ Cafæ, et præcipue venerabiles in Chrifto patres Jacobum permiffione Divina Vallifiucis Abbatem, Johannem eadem permiffione Commendatarium Sedis Animarum, venerabiles viros Magiftrum Patricium Vaus rectorem de Wigton, Dominos Georgium Clapperton et Davidem Paterfon rectores de Kirkkynre, Magiftrum Wilelmum Blayr Archidiaconum Candidæ Cafæ, necnon Dominum Andream Arnot dicti Archi-

diaconatus Ufufructuarium, ad comparendum perfonaliter in prædicto Concilio Provinciali in prædicto cœnobio Fratrum Prædicatorum Edinburgenfi, præfato die fexto Aprilis proxime et immediate fequentis, ad fedendum in eodem Concilio, affiftendum, confulendum, tractandum et approbandum ea quæ ad honorem Divinum, Catholicæ fidei exaltationem, et reipublicæ ecclefiæque utilitatem tractanda, agenda, et concludenda fuerint; et generaliter omnia alia et fingula, quæ ad partes fuas in præmiffis attinent, faciendum, decernendum, gerendum, et exercendum hac vice, fub pœna excommunicationis quam contrarium facientes incurrere volumus ipfo facto: et præfentes debite executæ reddantur latori. Datum ex Irvyne fub noftris figneto et fubfcriptione manuali, 24. Martii anno Domini M.D.LVIII.

MALCOLMUS, Candidæ Cafæ vicarius generalis.

[Articles proponit to the Quene Regent of Scotland be fum temporall Lordis and Barronis, and fent be hir Grace to the haill Prelatis and principallis of the clargie convenit in thair Provincial Counfall in Edinburgh.]

[258.] In the firft, rememberand that our Sovirane Lord of gud memorie that laft deceft, in his lait Actis of Parliament for the common wele of this realme, thocht neceffair to mak ane publict exhortatioun unto my Lordis the Prelatis and reft of the Spirituale Eftate for reforming of ther lyvis and for avoyding of the opin fclander that is gevin to the haill Eftates throucht the faid Spirituale mens ungodly and diffolut lyves: And ficlyk remembring in diverfs of the lait Provinciale Counfales haldin within this realm, that poynt has bene treittet of, and findrie ftatutis Synodale maid therupon, of the quhilkis neverthelefs thar hes folowit nan or litill fruict as yitt, bot rathare the faid Eftate is deteriorate, nor emends be ony fic perfuafion as hes bene hidertills ufit: And fin the faid Eftate is mirror and lantern to the reft, it is maift expedient therefore that thai prefentlie condefcend to feik reformation of thir lyvis, and for execuiting deuly of

thair offices, evry ane of them effeiring to thir awin vocation and cure committit unto thaim to do, and naymlie that oppin and manifeſt ſins and notour offencis be forborn and abſtenit fra in tyme to cum, *etc.*

Item, that thai provid for prechings and declarings of Goddis Word ſinceirly and treuly to be made in every paroch kirk of this realm upon all Sondays and utheris Holie Dayis, at the leſt on Yule, Paſche, Witſondie, and every thrid or feird Sonday; and quhair that the peple ar maiſt ungodlie and ignorant of thar deuty to God and man, that in thai placis preachingis of Goddis Word and gud manners may be ſa aft maid that be Goddis grace thai may be brocht frae thar ungodlie leving to the dew obedience of God and man, and ſua that in all placis quhair maiſt neid is, ofteſt and maiſt erniſt preching to be maid and hed, and effeiring to the quantitie of the perochin, *etc.*

Item, that all prechers of the Word of God, or thai be admittit to prech the ſamen publicklie to the peple, that thai be firſt examinit deuly gif thair doctrin and profeſſion be conform to Goddis Word and Chriſten fath, and ſicklyke if thai be of gud manners and of fitt knawlege and condition as thai may be hable to prech the Word of God decently to the peple.

Item, that thar be na curatis nor vicares of peroch kirks maid in tymes to cum bot ſic as are ſufficiantly qualifeit to miniſtar the ſacramentis of Halie Kirk in ſic form and order as after folowes; and that thai can diſtinctly and plainly reid the Catechiſme and utheris directions that ſal be directit unto thaim be thar Ordinaris unto the peple, ſua that every man and woman hering and ſeing thaim execute the premiſſis ſa decently, may the rather convert thaimſelves fra ther inordinate leving, and tharby baith knaw perfitlie how thai ſuld liefe and in deid and word uſe thaimſelvis accordingly, *etc.*

Item, forſameikle as thar is nathing that can move men mair to worſhip God, nor to knaw the effect, cause, and ſtrenth of the ſacraments of Halie Kirk, nor nathing that can move men to diſhonor the ſaids ſacraments mair then the ignorance and miſknawladge tharof; therefore, ſeing that all Chriſtin men and women, or thai be admittit to the uſing and reſſaving of the ſaids ſacraments, ſuld knaw the vigor and ſtrenth of the ſamen, for quhat cauſes the ſamen was inſtitute be God Almighting, quhow profitable and neceſſar thai ar for every Chriſtin man and woman that deuly and reverendlie ar participants tharof; therefore, that thar be an godlie and fruitfull declaration ſet forth in Inglis toung to be firſt ſhewin to the peple at all times, quhen the ſacrament of the bleſſit Body and Blud of Jeſus Chriſt is exhibit and diſtribut, and ſicklyke when Baptiſm and Marriage are ſolemnizit in face of Halie Kirk; and that it be declarit to thaim that aſſiſt at the ſacraments quhat is the effect tharof, and that it be ſpeirit at tham be the preiſt miniſtrant, gif thai be reddy to reſſave the ſamen, with sick utheris interrogatories as ar neceſſar for inſtructing of the poynts of mens ſalvation, and requires to be anſwerit unto be all thai that wald be participant, *etc.* And thir things to be don before the uſing of the ceremony of Haly Kirk, *etc.*

Item, that the Common Prayers with Litanies in our vulgar toung be ſaid in evry peroch kirk upon Sondays and uther Haly Dayis efter the Devin ſervice of the Meſs, and that the Evening Prayers be ſaid efternein in likwyſe.

Item, becauſe that the corps preſentes, kow, and [vm]eſt claith, and the ſilvir commonlie callit the Kirk richts, and Paſch offrands quhilk is takin at Paſch fra men and women for diſtribution of the ſacrament of the bleſſit Body and Blud of Jeſus Chriſt, were at the beginning but as offrands and gifts at the diſcretion and benevolence of the givar only, and now be diſtance of tym the kirkmen uſis to compell men to the pay-

ing tharof be authority and jurifdiction, fua that thai will not only fulminat thar fentence of curfing, but als ftop and debar men and women to cum to the reddy ufing of the facraments of Haly Kirk, quhile thai be fatiffiet tharof with all rigor; quhilk thing has na ground of the law of God nor Halie Kirk, and als is veray fclandrous and givis occafion to the puir to murmur gretymly againes the State Ecclefiaftick for the doing of the premiffis: And tharfore it is thocht expedient that ane reformation be maid of the premiffis, and that fick things be na mair ufit in tymes to cum within this realm, at the left that na man be compellit be authority of Haly Kirk to pay the premiffis, but that it fhall only remane in the free will of the giver to gif and offir fic things be way of almous and for uphalding of the preifts and minifters of the Halie Kirk as his confcience and charitie moves him to: And quhair the curatis and minifters forfaids hes not eneuch of thar fuftentation by the faids Kirk richts, that the Ordinares, every man within his awin diocefie, take order that the perfons and uplifters of the uther deutys perteining to the kirk contributs to thar fuftentation effeirindlie, *etc.*

Item, becaufe the leigis of this realme ar havely hurt be the lang procefs of the Confiftorial jugement, as hes bene at mair length declarit and fhewin unto my Lordis of the Spiritualitie, and that puir men havand juft caufe oft tymes ar conftrenit to fall fra thar rightuous action through lengthning of the faids procefs and exhorbitant expences that thai ar drawin unto as wele in the firft inftant as be appellation fra place to place, fra juge to juge, and laft of all to the Court of Rome, albeit the matter were never fa fmall, and albeit men obtein fentences never fa mony be the Ordinar juges of this realme, yitt all in vain, and na execution fall folow therupon quhill the appellation be difcuffit in Rome, *etc.*: Therefore it is neceffar that provifion be maid for fhortning of the procefs Confiftorial for releiving of partyes fra exorbitant expenfes, and that it be confiderit quhat matters fall pafs to Rome be appellation, of quhat avale

worth and quantity thai ſuld be of, and that the appellation unto Rome ſuld not ſuſpend the execution of ſentences gevin heir within this realme.

Item, it is havelie murmurit and complenit unto the Quenis Grace be the fewars of kirkland, that thai ar compellit to paſs to Rome to pley the reduction of thar infeftments, *etc.*

Item, that the Actis of Parliament halden at Edinbrugh the twenty ſexth day of June M.CCCC.XCI[II]. be our Sovirane Lord King James the Fourd of gud memorie, anent the priveleges grantit be the Paps to the Kirk of Scotland, and benefices that paſſis to the Court of Rome that hurts the priveleges of the Crown or the common wele of this realme, be put to dew execution, and it be decernit [that] the Lordis of the Seſſion be juges competent to the braikers tharof, notwithſtanding ony exemption or immunitie or privelege ſpirituale or temporale.

Item, that na manner of perſon within this realme pretend to uſurp ſic hardiment as to diſhonor or ſpeik irreverently of the ſacrament of the bliſſit Body and Blude of our Saviour Jeſus Chriſt, bot that the ſamin be haldin in ſic reverence, honour, and worſhip as efferis Chriſtin men to do, and is commandit be the law of God and Haly Kirk, and that nane diſhonour the Divine ſervice of the Meſs nor ſpeik injuriouſlie nor irreverentlie tharof.

Item, that na man pretend to uſe the ſacraments and ceremonies of Marriage, Baptiſm, and bleſſit Body and Blud forſaid, nor ſuffer the ſamin to be miniſtrat, bot in ſic manner as is aforeſaid, and be ſic perſons as that ar admittit deulie, and ordanit to the adminiſtration tharof.

Item, that na manner of perſons be ſa bald as to burn, ſpulie, or deſtroy kirks, chappels, or religious places, and ornaments tharof, nor attempt ony

thing be way of deid to the hurt and injuring tharof, or for deforming or innovating the louable ceremonies and rites tharof ufit in Haly Kirk, bot that thai be ufit as afore, ay and quhile forder order be takin be the Prince and minifters of Haly Kirk having power, and the famin dewlie infinuet to tham, *etc.*

[259.] Concilium Provinciale cleri totius regni Scotiæ indictum et convocatum per reverendiffimum in Chrifto patrem et dominum Joannem Sancti Andreæ Archiepifcopum, ejufdem regni Primatem, Legatum natum etc., affiftente et confentiente reverendiffimo in Chrifto patre Jacobo Glafguenfi Archiepifcopo; convocatis etiam et præfentibus utriufque Archiepifcopi venerandis dominis fuffraganeis Epifcopis, Vicariis Generalibus, Abbatibus, Prioribus, Commendatariis, Decanis, Præpofitis, Sacrarum literarum Profefforibus, rectoribus ac aliis literatis viris ecclefiafticis, ecclefiam Scoticanam repræfentantibus; cœptum eft Edinburgi, in religiosa domo Dominicanorum, primo die menfis Martii, anno juxta computationem ecclefiæ Scoticanæ millefimo quingentefimo quinquagefimo octavo, et finitum ibidem decimo die menfis Aprilis, anno Domini millefimo quingentefimo quinquagefimo nono, et hoc ad dictæ ecclefiæ Scoticanæ difciplinam recte reformandam et Dominici gregis falutem promovendam; propterea quod videremus paftorale noftrum munus in extrema incidiffe tempora, in quibus crudeles lupi difperfas Chrifti oves modis omnibus conantur devorare, legitimos facramentorum ufus invertere, ecclefiæ ceremonias a Chrifto ejufdemque difcipulis et fucceforibus bene inftitutas, prorfus contemnere, omnia demum Dei et Sanctorum templa diruere: in quo quidem Concilio antiquas majorum confuetudines infecuti fumus, quas Apoftoli inftituerunt, Apoftolici viri retinuerunt, atque nobis Sanctiffimi veluti per manus reliquerunt, ut videlicet quoties de fide Chriftiana quæftiones occurrerent, fcandala pullularent, aut hominum mores emendatione

indigerent, toties Synodum indicerent, in qua ſalutaria remedia adhiberent occurrentibus ſuo tempore periculis. Pari modo, Deo diſponente, in hac præſenti Synodo conſultavimus quonam modo poſſimus oves nobis commiſſas in Chriſtiana profeſſione retinere, ſalutarem eis cibum providere, errantes humeris noſtris impoſitas ad ovile Dominicum reducere, et eccleſias in ſincera pace regere, donec Generale Concilium his tantis malis aptiora provideat remedia. Noſtræ conſultationi acceſſit auxilium, opera et beneficium nobiliſſimæ et Chriſtianiſſimæ Principis Mariæ hujus regni Scotiæ Reginæ Dotariæ ac Regentis, cujus piam voluntatem experti ſumus, non ſolum in defendendo hoc noſtro regno a ferocibus exterorum incurſibus, ſed etiam in adminiſtranda juſtitia per ſingulas hujus regni provincias, necnon in vera religione præſervanda, retinenda ac augenda. Sic nos, Dei gratia et favore dictæ Principis, collegimus ac congeſſimus ea in conſtitutione quæ maxime videbantur pro ratione horum temporum neceſſaria et commoda ad Dei honorem et reverentiam, eccleſiaſticæ diſciplinæ emendationem, atque ad Chriſtiani populi ſalutem; quæ omnia communi conſenſu decrevimus publicanda, ut a cunctis hujus regni incolis obſerventur. Quapropter univerſos eccleſiæ Scoticanæ ordines oramus, atque in viſceribus Ieſu Chriſti obteſtamur, ut præſentis Concilii decreta diligenter legant, lecta obſervent, atque ſibi ipſis perſuadeant, nos gratia Dei et auxilio dictæ Reginæ curaturos, ea exacte executioni demandanda. Præterea cunctis eccleſiaſticis viris præcipimus et mandamus ut oves Chriſti illis commiſſas diligenter curent, frequenter viſitent, et recte exerceant conformiter traditioni et conſuetudini eccleſiæ Catholicæ, rejectis vanis novitatibus et ſuſpectis opinionibus; ſic enim, tam nobis ipſis quam ovibus noſtræ curæ commiſſis, acquiremus æternam beatitudinem quam nobis tribuat qui ſine fine vivit et regnat. Amen.

Primum actum : Approbatio Conciliorum apud Linlythquho et Ediubrugh antea tentorum.

[260.] Præfens Synodus, diligenti confilio et maturo tractatu præhabitis, decretifque quoque conftitutionibus et ordinationibus Conciliorum Provincialium in oppido de Linlythquho in menfe Augufto, et Edinburgi in menfe Novembri, anno Domini 1549, Edinburgi etiam in annis Domini 1551 et 1555 recentiffime tentorum et celebratorum inhærens, eadem decreta, conftitutiones et ftatuta ratificat, approbat et confirmat, quatenus in præfenti Concilio immutata, declarata et innovata non funt, ipfaque inviolabiliter obfervanda decrevit, eifdem quoque lectis, vifis et difcuffis, præfentis Concilii auctoritate robur adjiciens. Quorum quidem tenores fequuntur : *Admonuit nos falubriter Divus Paulus* [*etc. ut fupra, pp.* 81-139].

Sequuntur ftatuta edita in Concilio Provinciali celebrato in menfibus Martii et Aprilis ann[is] Domini millefimo quingentefimo quinquagefimo octavo et nono refpective.

[De obfervatione decreti Concilii Bafilienfis contra concubinarios.]

[261.] Hæc præfens Synodus prioris [Concilii] apud Lynlithquho inchoati, Edinburgi finiti anno Domini millefimo quingentefimo quadragefimo nono, conftitutionibus adhærens, ratificat et acceptat decretum Concilii Bafilienfis contra concubinarios promulgatum et in prædicto priori Concilio per ecclefiafticos hujus regni receptum, in omnibus fuis capitibus obfervandis et executioni demandandis tam in Archiepifcopos, Epifcopofque eorumque fuffraganeos quam in alios Prælatos ac inferiores clericos hujus regni per Metropolitanos [in] Epifcopos fuffraganeos, et [per] Epifcopos in alios clericos inferiores [refpective]. Et ne reverendiffimus dominus Joannes Sancti Andreæ Archiepifcopus, hujus regni Primas, Legatus [natus, etc.], necnon reverendiffimus [dominus] Jacobus Glafguenfis Archiepifcopus, videantur

reverendis fuis fuffraganeis et aliis inferioribus ecclefiæ onera gravia alligare, et fuis forte privilegiis et exemptionibus fibimet[ipfis] liberius indulgere, fua fponte, in bonum aliorum exemplum fubmiferunt fe confilio, requifitioni et admonitioni faciendæ per reverendos patres Epifcopum Dunkeldenfem, Poftulatos Candide Case et Roffenfem ; necnon probos et doctos viros Magiftrum Joannem Synclere, Decanum de Reftalrig ; Fratrem Joannem Greyfon, Provincialem ordinis Fratrum Prædicatorum hujus regni, et facultatis Theologicæ Univerfitatis Sancti Andreæ civitatis Decanum ; Joannem Wynram, Sacræ Theologiæ profefforem, monafterii ecclefiæ metropolitanæ Sancti Andreæ Subpriorem ; ut ipfi inquirant de obfervatione præfentis ftatuti per eofdem tam per fe, quam etiam de correctione exercenda in inferiores pro obfervatione ejufdem. Et ut commodius dicti inquifitores fuo fungantur munere, convenient Edinburgi bis fingulis annis, primo videlicet Maii, et decimo quinto Januarii ; ubi diligenti inquifitione præhabita, per dictos fex, quinque, aut faltem quatuor illorum, fi quid emendatione dignum deprehenderint, primum prædictos reverendiffimos Archiepifcopos Chriftiano more et charitative admoneant; deinde Provinciali Concilio, fi neceffe fuerit, referant ; poftremo [Sanct]iffimo [Domino] noftro Papæ, abfque ulla mora aut conclufione, prout coram Summo Judice refpondere voluerint, in[ti]ment et notificent; et fi quemquam ex dictis fex extra regnum fore, aut vita defungi contigerit, licebit ceteris alium in locum abfentis vel demortui furrogare. Præterea Concilium hoc decrevit ut tam Archiepifcopi quam Epifcopi curent prædictum ftatutum Concilii Bafilienfis de incontinentia obfervandum in omnes et fingulos Abbates, Priores, Commendatarios, et alios quofcumque inferiores clericos exemptos fuarum diœcefium refpective aliter abfque præjudicio fui ordinis.

Circa proles ecclefiafticorum.

[262.] Inhibet præterea hæc Synodus, ne qui Prælati aut alii ecclefiaftici inferiores fuas proles ex concubinatu fufceptas in fuis familiis aut confortiis

alant, [aut] teneant, fic quod ultra quatriduum, et id non palam, fingulis trimeftribus in eorum familia morentur, fub pœnis ducentarum librarum prima vice per Archiepifcopum in præmiffis culpabilem, et centum librarum per Epifcopum aut alium Prælatum, fub pœna arbitraria in alios inferiores clericos, arbitrio Ordinarii injungenda, levanda et in pios ufus applicanda; et tertio quadruplicanda.

De non promovendis filiis prefbyterorum in ecclefiis paternis.

[263.] Vetat quoque, ne ullus Archiepifcopus aut alius Prælatus fuas proles direćte aut indirećte ad beneficia quæcumque ecclefiaftica in fuis ecclefiis promoveat, aut promoveri patiatur; alioqui promotio aut provifio defuper conceffa, ipfo facto nulla fit et invalida, fic quod licitum fit fuperiori vel cui devolvitur poteftas conferendi, tale beneficium libere conferre clerico idoneo cui voluerint non obftante prædicta collatione vel provifione antea, contra juris difpofitionem et præfentis ftatuti tenorem, facta. Et ut præfens ftatutum debitum fortiatur effectum, Concilio vifum eft expedire, Reginam obnixe rogandam quatenus literas fupplicatorias ad Sanctiffimum Dominum noftrum Papam mittat, ejufdem Sanctitati fupplicando ut nullas difpenfationes adverfus prædictum ftatutum inpofterum concedat: et fi fraudulenter, nulla mentione habita hujus ftatuti, obtentæ fuerint, ipfo jure nullæ fint et irritæ.

De non elocandis filiabus Prælatorum et ecclefiafticorum baronibus de patrimonio Chrifti.

[264.] Inhibet fimiliter hæc præfens Synodus, ne qui Prælati [aut] quicumque ecclefiaftici, per fe vel alios, eorum nomine, filias fuas baronibus aut aliis terrarum dominis, fupra fummam centum librarum annui hereditarii proventus habentibus, de patrimonio Chrifti dotent aut in matrimonio collocent, fub pœna tantumdem pecuniæ quantum dotis nomine promiffum

datumve fuerit, ſolvendi, et in alium uſum exigendi, inque pios uſus diſponendi; neque etiam filios ſuos barones aut terrarum dominos ultra ſummam centum librarum annui hereditarii proventus efficiant, ſub pœna tantumdem levandi et repetendi quantum terræ valuerint: terras autem eccleſiaſticas aut alias ad eorum beneficia ſpectantes, vel decimas dictis ſuis part[u]bus et concubinis directe vel indirecte nullo modo alienent vel aſſedent; quod ſi ſecus factum fuerit, caſſæ ſunt locationes et aſſedationes ipſo facto et jure.

De familiis et ſervitoribus eccleſiaſticorum, ut ſequitur.

[265.] Statuit præterea hæc Synodus, ut nullus Prælatus aut eccleſiaſticus, cujuſcumque ſtatus, gradus, dignitatis aut præeminentiæ exiſtat, teneat aut alat in ſua familia vel comitatu aut ullo quotidiano officio quaſcumque perſonas de hæreſi ſuſpectas, aut qui Sacroſanctæ Miſſæ ſacrificio et aliis Divinis officiis intereſſe dedignantur, diebus ſaltem Dominicis et majoribus feſtis, vel qui contemnunt eccleſie ſacramenta, vel qui contra fidem Catholicam et orthodoxorum patrum ſententiam erroneas teneant opiniones; ſed ſtatim, ubi hujuſmodi reperti fuerint culpabiles, ab eorum conſortio, ſervitio et familia removeantur, prout iidem Prælati reſpondere voluerint coram Summo Judice; ac deſuper fiat diligens inquiſitio per Ordinarios, ſub pœnis ducentarum librarum in ſingulos Archiepiſcopos et alios Prælatos, Abbates, Priores et Commendatarios in præmiſſis culpabiles, pro prima vice, et duplicanda pro ſecunda vice, ac tertia vice triplicanda; et ſic deinceps arbitraria in eccleſiaſticos inferiores, arbitrio Ordinariorum.

Ne clerici exerceant mercaturam.

[266.] Similiter ſtatuit decretum prioris Concilii mercaturam et ſecularia negotia per eccleſiaſticos vetans et prohibens, ad unguem obſervandum; addendo,

quod si qui Prælati, aut alii ecclesiastici per se vel alios emant victualia, pisces, sal, b[utyr]um, lanam vel alias quascumque merces, lucri causa, ut empta revendant, hujusmodi merces aut earum valores a tali clerico negotiatore exigantur et leventur pro prima vice. Nomine mulctæ intelligitur pœna aliqua arbitraria quæ imponitur ad arbitrium; et si talis clericus negotiator continuaverit, exigatur duplum ejusdem per Ordinarium loci, vel superiorem ejusdem in pia opera applicandum.

De habitibus.

[267.] Statutum est similiter et ordinatum, quod constitutiones prioris Concilii de habitibus et tonsura [clericorum et] ecclesiasticorum virorum executioni demandentur, etiam in ipsos Abbates, Priores, Commendatarios et alios quoscumque beneficiis ecclesiasticis gaudentes, sub pœna amissionis quartæ partis proventuum suorum beneficiorum per Ordinarium vel superiorem levandæ et piis usibus applicandæ, pro prima vice. Hortatur similiter omnes et singulos Archiepiscopos et Episcopos hujus regni, quatenus in publico et in ecclesia semper indumentis lineis, videlicet suis rochetis congruis temporibus utantur.

De celebratione Horarum Canonicarum, et de sacrificio Missæ.

[268.] Præterea hoc præsens Concilium rogat et in visceribus Iesu Christi hortatur omnes et singulos Prælatos et alios quoscumque ecclesiasticos, ut frequentius solito Sacrosanct[æ] Missæ sacrificium in conspectu populi celebrent ad Dei honorem, quo facilius populum Christianum ad pietatem et religionem moveant. Inquirant quoque Ordinarii, an sacerdotes et beneficiati dicant et quotidie recitent Horas Canonicas, et alia Divina officia, et intersint sacrificio Missæ, saltem diebus Dominicis, et aliis festis; et ad hæc per Ordinarios moneantur et compellantur sub pœnis arbitrariis in ipsos infligendis.

De viſitatione monaſteriorum.

[269.] Inſuper decrevit, quod ſtatutum prius editum pro viſitatione monaſteriorum monachorum et monialium diligenter obſervetur, et quod Ordinarii per ſeipſos aut eorum fide dignos Commiſſarios viſitent ſingula monaſteria, etiam exemptorum, infra ſuas diœceſes, ſecundum formam Concilii Tridentini, et de ſingulis, quæ corrigenda ſunt, inquirant et corrigant; et curent, ut ſufficiens numerus Religioſorum in illis ſuſtentetur per facultates et reditus loci; ut honeſte tractentur tam monachi quam moniales, [tam] in victu, veſtitu, quam in aliis neceſſariis; et ut loca diruta et dilapſa reparentur; et ipſi Ordinarii diligenter prædictum ſtatutum exequantur, prout reſpondere voluerint coram Summo Judice; et quod Prioriſſæ monialium per Ordinarios moneantur et compellantur ad reddendum computum et ratiocinium omnium et ſingulorum proventuum ſuorum reſpective monaſteriorum ipſis locorum Ordinariis, ſingulis annis, ſub pœnis et cenſura eccleſiaſtica.

De reparationibus eccleſiarum.

[270.] Item ordinat præſens Synodus et decrevit, ut eccleſiæ quæcumque intra regnum Scotiæ dirutæ et dilapſæ, reædificentur et reparentur in parietibus, tectis, ornamentis et omnibus neceſſariis a rectore et parochianis reparari ſolitis, et ad hoc per ſequeſtrationem fructuum per Ordinarios compellantur; et quod dirigantur literæ monitoriales contra rectores [ac] eorum firmarios pro reparatione [cancellarum] earundem. Et fiat diligens inquiſitio per Ordinarios contra infringentes imagines, violatores et combuſtores eccleſiarum; et coram Ordinariis vocentur, ſecundum juris diſpoſitionem et canonicas ſanctiones, puniendi. Et pari modo procedatur contra parochianos pro reparationibus navium eccleſiarum et murorum cœmiteriorum. Vocentur quoque violatores ſequeſtri, et puniantur, prout de jure. Statuit

præterea, ut nullæ arbores in cœmiteriis ecclefiarum plantatæ et crefcentes, ex quavis caufa fcindantur aut exfcindantur, nifi ex fpeciali confenfu Ordinarii, rectoris, vicarii et parochianorum ipfius parochiæ et ecclefiæ; et qui in hoc culpabiles invenientur, coram Ordinario vocentur, et puniantur, non folum in æftimationem et valorem arboris excifæ et ablatæ, verum etiam in damnis et intereffe, arbitrio Ordinarii moderandis: verum fi quæ arbores ob vetuftatem vel aliquo cafu fortuito deciderint, fabricæ ipfius ecclefiæ applicabuntur.

Quod beneficiati compellantur ad receptionem f[acrorum ordin]um, et de pluralitate beneficiorum.

[271.] Approbat fimiliter hæc præfens Synodus ftatuta in prioribus Conciliis edita, quod finguli plura beneficia ecclefiaftica obtinentes, per locorum Ordinarios infra hinc et primum diem menfis Augufti proximi vocentur ad exhibendum fuas difpenfationes, fi quas habent, juxta tenorem capitis: Ordinarii: *De Officio Judicis Ordinarii*, in fexto. Singuli quoque beneficia ecclefiaftica obtinentes, per locorum Ordinarios ante dictum diem fimiliter vocentur, et qui minime facris ordinibus initiati fuerint, ad fufceptionem ordinum fuis beneficiis requifitorum, aut eifdem beneficiis fuis renuntiandum, cenfura ecclefiaftica et fub pœnis in capite: Licet [canon]: *De Electione*, libro fexto, per Ordinarios compellantur, ne de altari vivant qui altari defervire dedignantur.

De curatorum ftipendiis.

[272.] Confirmat quoque et approbat præfens Synodus ftatutum in priori Concilio editum, quod finguli curati annuatim fummam viginti marcarum monetæ Scoticanæ, cum manfo et horto, pro fuo annuo ftipendio et falario habeant; quod in diœcefibus Aber[done]nfi, Moravienfi, Roffenfi, Cathanenfi, et Orcadenfi obfervari decrevit. In aliis vero diœcefibus

hujus regni, ſingulis curatis ſumma viginti quatuor marcarum annuatim pro ſuo ſtipendio et ſalario perſolvatur, cum manſo et horto ſolitis et conſuetis.

Item, vicarii penſionarii per locorum Ordinarios ad perſonalem reſidentiam ſub privationis pœna compellantur.

De pœnis delinquentium, et de exceſſibus.

[273.] Statuit præterea et ordinavit hæc Synodus, quod ſtatutum circa officium Decanorum Ruralium in priori Concilio editum, debitæ executioni demandetur, et ulterius brachii ſecularis auxilium invocetur contra impedientes Decanos Rurales ac Commiſſarios Ordinariorum in viſitatione et executione ſui officii, et ſimiliter contra parochianos citatos ſuper aſſiſis et inquiſitionibus contumaces aut reſpondere ſuper articulis recuſantes. Inſuper ſtatuit, ut crimina laicorum ad jurisdictionem eccleſiaſticam pertinentia, per publicas pœnitentias in parochia in qua delictum eſt commiſſum, vel apud cathedralem eccleſiam, ut Ordinario et ſuis Commiſſariis viſum fuerit, ſecundum qualitatem et quantitatem delicti puniantur, et corrigantur; et invocetur auxilium brachii ſecularis contra inobedientes. Et ſimiliter procedatur ſuper exceſſibus clericorum juxta juris exigentiam. Verum quia nonnulli pœnas pecuniarias ab hujuſmodi delinquentibus exigere, levare et in ſuos proprios uſus convertere dicuntur; ſtatuit, quod hujuſmodi pœnæ pecuniariæ ad quas ſolvendas ſeſe ſponte obligant delinquentes, vel pro quibus cautionem invenerint, in pios uſus, partim intra parochiam ubi delictum eſt commiſſum, partim alibi arbitrio Ordinarii diſponantur. Et quo præſens ſtatutum debitam ſortiatur executionem, quilibet Ordinarius eligat tres aut quatuor ſui capituli aut alios probos et diſcretos viros eccleſiaſticos, qui de delictis hujuſmodi et eorumdem pœnis cognoſcant, ut eaſdem moderentur et injungant; et quod [aliqui] ex eiſdem pœnas pecuniarias in delinquentes in-

junctas exequantur et recipiant, et de consilio Ordinarii ad prædictos et alios pios usus applicent, prout respondere voluerint.

De prædicatione verbi Dei, et circa neglectæ doctrinæ reformationem.

[274.] Hoc præsens Concilium approbat singula statuta in priori Concilio pro prædicatione verbi Dei edita, [et] debitæ executioni demandanda decrevit; quibus etiam addit, ut singuli Episcopi per se non solum quater in anno, prout in priori Concilio statutum erat, in sua diœcesi prædicent, verum etiam frequentius, quoties commode per eosdem fieri poterit, secundum formam et tenorem constitutionis Concilii Generalis in capite: Inter cetera: *De Officio Judicis Ordinarii:* et contra negligentiam inquiratur in proximo Concilio Provinciali. Et singuli etiam Episcopi quolibet biennio ad minimum suas diœceses integras per seipsos complete visitent, et inter visitandum per se et per alios verbum Dei prædicent, et quæ corrigenda invenerint, diligenter reforment et corrigant. Et Archidiaconi ad exequendum suum officium in visitando compellantur sub pœnis in jure communi et ejus dispositione contentis; et hoc ultra visitationes fieri solitas per Archidiaconos et Decanos Rurales, aut Episcoporum Commissarios. Et præterea decrevit præsens Concilium, statutum prioris Concilii pro sustentandis per Ordinarios Canonista et Theologo in singulis ecclesiis cathedralibus ante proximum Concilium executioni demandandum, et quod singuli Archiepiscopi et Episcopi in familia sua Theologum habeant.

De prædicatione facienda per alios ecclesiasticos.

[275.] Insuper, ut frequentioribus verbi [Dei] prædicationibus instruatur populus, statutum est ut ecclesiarum parochialium rectores qui de judicio Ordinarii ad prædicandum fidei rudimenta suis parochianis habiles et idonei censebuntur, per se non solum quater in anno, ut antea in priori Concilio statutum erat, sed etiam frequentius, ad discretionem Ordinarii prædicent

ſub pœna amiſſionis quartæ partis fructuum ſuorum beneficiorum, per Ordinarium loci levandorum, et in pios uſus applicandorum. His vero, qui juvenes ſunt et inidonei ad prædicationis munus debite exequendum, per Ordinarios injungatur, ut ſeſe ad hoc quamprimum reddant per ſtudia in gymnaſiis publicis habiles; et interim per alios prædicatores ſuis ſumptibus per Ordinarium examinandos et admittendos prædicari, et ſuas vices ſuppleri faciant in omnibus, donec de alio opportuno juris remedio fuerit proviſum. Et ad illud munus, ut dictum eſt, obeundum, ſinguli tales rectores prædicatores ſuos conducant, et cum ipſis conveniant, et Ordinario præſentent ante primum diem Auguſti proximi. Grandævi autem, qui quinquageſimum annum exceſſerint, et antea non ſunt ſoliti concionari, hoc ipſum ſimiliter per alios fieri procurent, quibus etiam aſſiſtant, et eorum propria præſentia prædicationibus majorem honorem addant et auctoritatem; et hoc præter et ultra communes inſtructiones et Cathechiſmi lectiones ſingulis diebus Dominicis, et aliis majoribus feſtivis, quum non ſit concio per curatos et penſionarios fieri ſolita. Et ſimiliter Epiſcopi, Abbates, Priores, Prioriſſæ, Commendatarii, Adminiſtratores, Præpoſiti, portionarii eccleſiarum, et quicumque præſunt eccleſiis cujuſcumque monaſterii, menſis Epiſcopalibus, capitulis et collegiis unitis et annexis, procurent diligenter verbum Dei in ſuis eccleſiis prædicandum per ſe, aut alios idoneos prædicatores per Ordinarium Diœceſanum examinandos et admittendos, cum quibus conveniant et eoſdem Ordinario præſentent ante dictum primum diem menſis Auguſti; quoquidem primo die menſis Auguſti elapſo, et dictis concionatoribus minime conductis et Ordinario præſentatis, quilibet Ordinarius quartam partem fructuum cujuſcunque eccleſiæ, cui de prædicatore minime proviſum fuerit, exiget et levabit, quos partim ad ſuſtentationem prædicatorum applicabit, et partim in alios pios uſus diſtribuet et diſponet.

De uniformi doctrina per ſingulos prædicatores obſervanda.

[276.] Approbat ſimiliter hæc præſens Synodus ſtatutum in priori Concilio editum de methodo et forma prædicationum per prædicatores obſervanda; addit quoque hoc præſens Concilium ut nullus officium prædicandi verbum Dei aſſumat, niſi prius per Ordinarium loci examinatus ac legitime ad hujuſmodi prædicationis munus exercendum admiſſus fuerit; et prædicatores admiſſi in his quæ circa negotia fidei et religionis Chriſtianæ, Sacræ Scripturæ, ſanctorumque doctorum et patrum approbatorum teſtimoniis, eccleſiæ quoque Catholicæ et Conciliorum Generalium auctoritate decreta ſunt, ſedulo ac diligenter inter concionandum ſeſe exerceant, populumque in illis inſtruant, præſertim circa articulos ſubſequentes.

Sequuntur articuli.

De traditionibus eccleſiæ. Articulus primus.

Certa fide tenendum eſt, non ſolum quod expreſſe nobis atque aperte per Scripturas traditur, verum etiam quidquid Sancta Eccleſia Catholica, aut Univerſale Concilium legitime congregatum, credendum tradidit, definit et concludit; et ſimiliter quicquid obſervandum præcepit, quod ad bonos mores attinet, obſervari debet; et contrarium pertinaciter aſſerere, hæreticum eſt.

Appendix.

Eccleſiaſticæ traditiones et ordinationes, ut quæ de jejuniis, ciborum abſtinentiis, et debitis feſtorum celebrationibus ſeu feriationibus, et id genus aliis, ad ſui obſervationem publice et privatim Chriſtianos obligant.

De Sanctorum veneratione et invocatione. Articulus ſecundus.

Recte fit in eccleſia, quod Sanctos cum Chriſto in cœlis agentes veneramur, et invocamus ut pro nobis orent; quorum precibus et interceſſione Chriſtus hic nobis multa largitur, per quos et in terris multa miracula operatur.

De recto imaginum usu. Articulus tertius.

Imagines Christi et Sanctorum sunt licitæ ad eorumdem repræsentationem et imitationem; et eædem absque ludibrio et opprobriis reverenter tractandæ sunt.

De Purgatorio post hanc vitam. Articulus quartus.

Firmiter credendum est post hanc vitam esse Purgatorium pro animabus, in quo pœna adhuc debita peccatis exsolvitur; quibus tamen subvenitur piis vivorum operibus, quo citius liberentur.

De existentia corporis et sanguinis Christi in Eucharistiæ sacramento. Articulus quintus.

In Eucharistiæ sacramento est reipsa verum corpus Domini nostri Iesu Christi; hoc est, vera caro et verus sanguis ejusdem, immo totus Christus Deus et homo: unde in eadem non panem, non vinum, non easdem etiam, quæ oculis corporis objiciuntur, species, sed Dominum nostrum Iesum Christum pro nobis crucifixum recte adoramus, sive in Missa sive extra Missam, ubicumque Eucharistia exposita fuerit, aut quoties in supplicationibus publicis a sacerdote circumfertur.

De laicorum communione sub una tantum specie. Articulus sextus.

Non est laicis ad salutem necessaria sub utraque specie communio, sed juxta legitimam ecclesiæ sanctionem sub altera tantum, panis videlicet, sacramentum exhibere sufficit, in quo carnem et sanguinem, atque adeo totum Christum sub una dumtaxat specie sumi credendum est.

De utilitate Missæ. Articulus septimus.

Missæ sacrificium, in recordationem passionis Christi institutum, ejusdem passionis virtute, vivis et mortuis prodest.

De legitimo ſacramenti Euchariſtiæ miniſtro. Articulus octavus. Evangelico tantum ſacerdoti ſecundum eccleſiæ ritum legitime ordinato Euchariſtiæ ſacramentum benedicendi, conſecrandi, aut miniſtrandi poteſtas conceſſa eſt.

De Exhortationibus ante miniſterium ſacramentorum.

[277.] Inſuper ut populus Chriſtianus ſacramentorum eccleſiæ verum effectum, vim, ac uſum facilius ac commodius intelligere valeat, ſtatuit hoc præſens Concilium quaſdam Catholicas Exhortationes, eaſque ſuccinctas Declarationes ſacramentorum Baptiſmi, Sacroſanctæ Euchariſtiæ, Extremæ Unctionis, Matrimonii, auctoritate hujus Concilii edendas et inferius inferendas, quas ſinguli parochi vel alii preſbyteri eorumdem ſacramentorum legitimi miniſtri, ipſa ſacramenta miniſtraturi, ſingulis ſuam propriam et debitam Exhortationem præmittant, ac publice et diſtincte recitent et legant; ſinguli quoque vicarii et curati, dum Sacræ Miſſæ ſacrificium diebus Dominicis et aliis majoribus feſtis ſunt celebraturi, infraſcriptam Exhortationem et ejuſdem ſacrificii Declarationem publice in eccleſia ſimiliter legant, quo populus Chriſtianus majori pietatis affectu rebus Divinis aſſiſtat et interſit. Et idem obſervent Epiſcopi in miniſtratione ſacramentorum Confirmationis, et Ordinis, et confeſſarii ſacerdotes in ſacramento Pœnitentiæ. Quæ quidem Exhortationes in calce hujus Concilii inſcribuntur.

De Religioſis ad Univerſitates mittendis.

[278.] Statuit et decrevit præſens Synodus, quod ſtatutum antea deſuper editum executioni mandetur circa Religioſos ad Univerſitates gratia ſtudii mittendos; et ſinguli Abbates, Priores, et Commendatarii exhibeant et præſentent ipſis Ordinariis nomina eorum qui mittuntur ad Univerſitates, infra hinc et primum diem menſis Auguſti proximi, et ſimiliter teſtimoniales litteras ipſius Univerſitatis in qua fuerint recepti; et deſuper diligens inquiſitio per Ordinarium fiat.

De qualitate promovendorum ad beneficia.

[279.] Hæc presens Synodus diligenter attendens et confiderans quamplurima oriri fcandala in ecclefia Dei, dum inidonei ætate, moribus, et doctrina affumuntur, et ad ecclefiaftica beneficia promoventur, ftatuit et decrevit, ut nullus impofterum affumatur, aut quovismodo promoveatur ad quodcumque ecclefiafticum beneficium per Ordinarium loci, vel quemcumque alium, ad quem de jure vel confuetudine collatio, provifio, feu quævis alia difpofitio pleno jure, et aliter ad præfentationem alicujus patroni pertinet, nifi præfens per Ordinarium diligenter examinatus, ab eodem inveniatur idoneus ad exercendum et implendum officium tali beneficio annexum; alioqui collationes, provifiones, et difpofitiones hujufmodi eo ipfo nullæ fint et invalidæ; et eo in cafu poteftas difponendi et conferendi, ea vice dumtaxat, ad fuperiorem cui de jure provifio in cafu devoluto pertinet, devolvatur, acfi hujufmodi collatio minime facta fuiffet. Et pro obfervatione præfentis ftatuti Concilium decrevit Sereniffimam Dominam noftram Reginam obnixe et humiliter deprecandam, ne quemquam ad Epifcopatus, Monafteria, Prælaturas feu quodcumque aliud beneficium ad præfentationem, feu fupplicationem, aut nominationem Regiam fpectans et pertinens, nominet, præfentet aut promoveri patiatur, nifi moribus, fcientia, et ætate ad officium dicto beneficio incumbens, ad Dei honorem, et populi ædificationem exercendum idoneus et qualificatus reperiatur; onerando confcientiam Domini Ordinarii admittentis feu conferentis, ne in diftricto Dei judicio fanguis pereuntium de ejus m[anibu]s requiratur. Et pari modo Concilio expedire vifum eft, litteras fupplicatorias ad Sanctiffimum Dominum noftrum Papam mittendas, ne quemquam ad Prælaturas vel alia quæcumque beneficia promoveat aut promoveri patiatur, nifi ætate, moribus, et fcientia idoneum.

De executoribus teſtamentorum dativis.

[280.] Hæc Synodus Provincialis volens et cupiens damno et indemnitati prolium, pupillorum, et aliorum in rebus et bonis ab inteſtato decedentium intereſſe habentium occurrere, et de remedio providere, ſtatuit et decrevit ac ordinavit, quod in futurum nulli dentur aut confirmentur executores dativi ad bona ab inteſtato decedentium, vel extra teſtamenta emiſſa, niſi prævio edicto publico tempore Divinorum in eccleſia parochiali defuncti, ſaltem per quindecim dies antea citando intromiſſores bonorum talis defuncti, et omnes alios intereſſe habentes, debite executo, et indorſato, et vocato; et quidam magis idonei juxta diſcretionem Ordinarii de proximioribus agnatis vel cognatis defuncti, ſi comparuerint, in executores dativos confirmentur, cum tamen ſufficiente cautione de fideli et debita diſpoſitione et adminiſtratione bonorum, et computo ad finem anni a die confirmati teſtamenti computandi reddendo et faciendo; necnon de debita reſponſione ſolutionis debitorum evictorum creditoribus, ſi qui ſunt, pro rata bonorum, abſque tamen præjudicio bonorum pertinentium uxori et prolibus defuncti; et caſu quo agnati [et] cognati, ut præmittitur, citati recuſaverint onus executoriæ acceptare, vel non comparuerint, conſtituantur per Ordinarium alii viri probi et boni teſtimonii, qui illud officium cum ſimili cautione debite exequantur. Prohibet quoque, ne qui locorum Ordinarii ſibi ipſis aut ſuis familiaribus aliqua de dictis bonis, præter quotam ſolitam, recipiant vel aſſignent.

De mortuariis.

[281.] Item in relevamen et ſubſidium pauperum, ad tollendum ſtrepitum et murmur contra mortuaria obloquentium, eadem in futurum ſolvenda prout ſequitur, decrevit, videlicet: defunctorum bonis in inventario, debitis abſtractis, in debitas partes diviſis, ubi defuncti pars ad decem libras

monetæ Scoticanæ tantum ſe extenderit, vicario illius eccleſiæ in compoſitionem pro annali ſeu mortuario perſolvi ſolito, et veſte ſuperiori, ſolvantur quadraginta ſolidi tantum; et ubi defuncti pars ad ſummam decem librarum ſe non extenderit, ſed infra eandem ſummam uſque ad viginti ſolidos reſpective in compoſitione, de qua ſupra, ſolvatur vicario de dicta parte defuncti, pro rata quadraginta ſolidorum de decem libris; et quando defuncti pars viginti ſolidos non exceſſerit, nihil inde ſolvatur pro mortuario, vel veſte ſuperiori. Si vero defuncti pars ultra ſummam decem librarum dictæ monetæ Scoticanæ ſe extenderit, tunc ſatiſfaciat vicario pro præmiſſis, ut antea conſuetum eſt, non obſtante præſenti conſtitutione. Circa barones vero et burgorum incolas, ſervetur vetus conſuetudo. Si qui autem defunctorum juſta inventaria non fecerint, aut bona in ipſis inventariis contenta juſte non æſtimaverint, tunc per Ordinarios in vicariorum favorem de remedio provideatur opportuno. Et in ſingulis Epiſcoporum ſynodis hoc ipſum ſtatuatur et publicetur, [non] obſtante præcedenti conſtitutione.

De terris ad eccleſias ſpectantibus in feudi firmam ſeu emphiteoſim minime locandis.

[282.] Penſato Dei eccleſiæ incommodo, ſubditorum hujus regni depauperatione, et magno inde [exorto] (præſertim belli tempore, et alias, defectu habilium pro tuitione regni virorum) diſpendio per locationem terrarum eccleſiæ ſpectantium in feudo, emphiteoſi, et aliis aſſedationibus et arrendationibus, aliis perſonis quam antiquis nativis tenentibus, poſſeſſoribus et elaboratoribus terrarum; vetat et prohibet præſens Concilium, ne quis Archiepiſcopus, Epiſcopus, Abbas, Prior, Prioriſſa, Commendatarius, Præpoſitus, Decanus, Uſufructuarius, Præceptor, Miniſter, eccleſiæ cathedralis vel collegiatæ canonicus, præbendarius, rector vel vicarius, ſeu quivis alius eccleſiaſticus ſecularis vel regularis, quaſcumque terras ad ſuum beneficium pertinentes, deinceps locet, concedat, vel arrendet in emphiteoſim vel

affedationem quamcumque longam vel brevem, nifi dumtaxat tenentibus et laborantibus earumdem. Et fi quas tales terras contra præfentis conftitutionis tenorem locari contigerit, earumdem locatione[s], five in feudum five ad certos annos fiant, ipfo jure nullæ exiftant et invalidæ cum decreto irritante. Et Archiepifcopi, Prælati, et alii ex prædictis ecclefiafticis dignitatibus et beneficiatis, terras taliter principaliter in feudum vel ad annos locantes, tertia parte fructuum illius beneficii cui tales terræ pertinent, pro uno [anno] mulctabuntur, per fuperiorem fuum levanda, et ad pios ufus applicanda; et eadem pœna canonici et præbendarii ex cathedralibus et collegiatis ecclefiis in tertia parte fuorum beneficiorum, ac Religiofi ex conventibus Religioforum et monafteriorum in tertia parte fuæ portionis pro uno anno, fimili modo in pios ufus arbitrio Ordinarii diœcefis applicanda, punientur; ipfis nihilominus alienationibus feu locationibus contra præfentis ftatuti tenorem factis feu fiendis, nullis omnino exiftentibus et invalidis ipfo facto et jure; fuper quibus uniufcujufque diœcefis Ordinarius fingulis annis tenebitur diligenter facere inquifitionem. Et præterea ftatutum eft, cafu quo aliqui ex dictis tenentibus et terrarum laboratoribus, qui tales locationes obtinuerint, aut quos impofterum obtinere contigerit eafdem in manibus fuperioris, in favorem quorumcumque, ex quavis caufa refignare voluerint; tunc eo in cafu non licebit dictis Archiepifcopis, Epifcopis, Abbatibus, Prælatis, vel aliis prædictis ecclefiafticis beneficiatis, in dictis feudis vel locationibus recipere vel admittere quofcumque alios exiftentes majoris et potentioris gradus quam dicti refignantes exftiterint, dummodo fufficientes fuerint ad hujufmodi terras occupandas, et pro eifdem juxta tenorem locationis refpondendum; provifo tamen, quod fi contigerit dictos tenentes et laboratores fundorum deficere in folutione cenfuum, vel aliud committere propter quod hujufmodi locationes amittere debeant, et ab illis jufte amoveri, eo cafu licebit dictis Prælatis et ecclefiafticis beneficiatis, talibus tenentibus amotis, vel eafdem terras fuis propriis bonis occupare, vel aliis perfonis non majoris gradus et conditionis, fufficientibus tamen laboratoribus et non aliis locare, fub pœna tertiæ partis fructuum fupra-

dictorum, necnon nullitatis hujusmodi locationis fructuum, ipso facto et jure. Quantum vero ad glebas ecclesiasticas attinet, vetat et prohibet præsens Synodus ne ullo modo, aut ex quavis causa in feudum seu emphiteosim locentur, aut etiam ultra triennium, et hoc dumtaxat laboratoribus et occupatoribus earumdem de præsenti eisdem possessis, et non aliis, sub pœnis supradictis; præsenti statuto pro quinquennio proxime futuro dumtaxat duraturo.

De decimis.

[283.] Statutum item et ordinatum exstat in favorem pauperum colonorum seu agricolarum, quod decimæ garbales, quæ de præsenti in manibus seu libera dispositione Archiepiscoporum, Episcoporum, Abbatum, Priorum, Commendatariorum, Priorissarum monialium, Decanorum, Præpositorum, ecclesiarum tam cathedralium quam collegiatarum canonicorum vel præbendariorum, rectorum, seu aliorum quorumcumque ecclesiasticorum virorum [tam] religiosorum quam secularium, aut per ipsos viros ecclesiasticos ad eorumdem proprios usus colligantur, aut ipsis colonis et agrorum laboratoribus locentur et assedentur; nisi ipsorum colonorum obstet malitia, nolentium videlicet pro decimis hujusmodi ecclesiasticis viris reditus consuetos et persolvi solitos saltem communiter ad decennium jam proxime persolvere, et sufficientem cautionem pro solutione fienda præstare; quod si ipsis colonis seu occupatoribus terrarum recusantibus tales decimas, aliis locare contigerit, tunc hujusmodi locatio pro triennio dumtaxat fiat; alias vero decimas, quæ in aliorum manibus ad longum vel breve tempus sive super litteras assedationis . . . . sive tolerantia existunt, omnibus modis tenentur ecclesiastici viri, ad quos earumdem decimarum locatio pertinet, ipsis colonis seu terrarum occupatoribus, ut supra, locare. Quod si commode id efficere nequeant, omni saltem ingenio talem conditionem cum decimis hujusmodi de novo conducentibus inire studeant, quod colonis sive laboratoribus juxta ratam occupationis eorumdem, moderato pretio seu

æſtimatione, locentur tales decimæ; ne adverſus eccleſiaſticos viros tali occaſione oriantur ſcandala, aut murmur invaleſcat impoſterum: ſuper quorum [obſervatione] ſingulorum onerantur conſcientiæ, prout in Die Judicii reſpondere voluerint; præſenti tamen decreto pro quinquennio dumtaxat duraturo.

De abbreviatione proceſſuum curiarum Conſiſtorialium, et officio procuratorum.

[284.] Statuit præterea omnia et ſingula ſtatuta in priori Concilio edita pro abbreviatione proceſſuum curiarum Conſiſtorialium, et officio procuratorum, obſervanda, obſervantiæ et debitæ executioni demandanda; et quod in omnibus cauſis ſummariis [procedatur ſummarie] et de plano ſine ſtrepitu judicii, amputatis dilationibus, quantum de jure fieri poterit. Quæ vero ſint cauſæ ſummariæ in calce præſentis Concilii inſerentur; addendo inſuper, quod quicumque procurator vel advocatus frivolam exceptionem replicandam, duplicandam, triplicandam, quadruplicandam, in judicio exhibuerit, ſeu aliter manifeſte deprehenſus fuerit, pro prima vice pœna quadraginta ſolidorum, pro ſecunda vice quinque libra[rum] monetæ hujus regni, in pios uſus, ad arbitrium judicis applicandorum abſque remiſſione mulctetur, et tertia ab officio procurandi vel advocandi in ea curia in perpetuum ſuſpendatur et removeatur.

Quod nullæ abſolutiones dentur ex motivis neque ad effectum agendi.

[285.] Statuit ſimiliter, quod nullæ deinceps per Archiepiſcopos, Epiſcopos, eorumve Officiales et Commiſſarios, vel alios quoſcumque judices eccleſiaſticos, ordinarios vel delegatos, dentur abſolutiones a ſententiis excommunicationis, et aliis cenſuris eccleſiaſticis ex quacumque causa fulminatis, cum illa clauſula: *propter motiva, vel ex motivis,* vel ſimilibus clauſulis; ſed vel concedantur ſimpliciter, vel inferatur cauſa in eiſdem, propter quam

dentur; alioqui nullius ſit roboris vel momenti. Item, quod nullæ inpoſterum dentur abſolutiones, a quibuſvis ſententiis excommunicationis, et aliis cenſuris eccleſiaſticis, ex quacumque cauſa etiam contumaciæ fulminatis, ad effectum agendi, proſequendi, judicandi, vel alicujus membri curiæ officium exercendi, niſi dumtaxat teſtimonii conferendi cauſa; alioquin nullæ ſint ipſo jure et invalidæ.

Quod in capitulis omnia capitulariter gerantur.

[286.] Similiter ſtatutum eſt, quod in omnibus capitulis et conventibus, in quibuſcumque actibus capitulariis, omnia gerantur et fiant capitulariter, et in loco capitulari, tam quoad conſenſum præſtandum, quam etiam quoad ſubſcribendum et ſigillandum; alioquin facta et geſta nulla ſint et invalida.

De Officialibus et Commiſſariis Epiſcoporum.

[287.] Statuit inſuper, quod Officiales et Commiſſarii Ordinariorum ipſorumque delegati quicumque, ſint ſacerdotes, et aliter ſufficienter qualificati pro juriſdictione eccleſiaſtica exercenda: et ſinguli Archiepiſcopi, Epiſcopi et alii juriſdictionem ordinariam habentes, hoc ſtatutum executioni demandent, infra hinc et primum diem menſis Junii; ſuperioribus negligentiam ſuorum inferiorum dicto die elapſo ſuppleturis.

De legitima ætate ſubditorum regni.

[288.] Præterea, ſtatuit et declarat ſubditos hujus regni, quamprimum vigeſimum primum ætatis ſuæ annum compleverint, eſſe et cenſeri debere majores, ætatiſque perfectæ; et ita judicandum eſſe in foro eccleſiaſtico, quod et in foro civili de jure et conſuetudine hujus regni eſt obſervatum: et ſi quæ actiones coram judicibus dependent, ſecundum præſentis tenorem judicentur.

De collectoribus pœnarum.

[289.] Insuper statutum est, quod in singulis diœcesibus per Ordinarios deputentur tres aut quatuor ecclesiasticæ personæ, habiles et sufficientes ad collectionem et levationem omnium et singularum pœnarum pecuniarumque statutarum prædictarum; cum potestate easdem in pia opera, modis quibus supra, et aliis legitimis, de eorumdem Ordinariorum respective consilio disponendi; qui etiam deputati tenebuntur in proximo Concilio Provinciali dispensationis et dispositionis suæ rationem reddere.

Quod singuli parochiani intersint Missæ sacrificio.

[290.] Item, quod a singulis Ordinariis per ecclesiarum rectores leventur literæ monitoriales, ut singuli parochiani Divinis officiis, et præsertim Missæ sacrificio devote intersint; [et] singulis annis per Decanos Rurales, et alios Commissarios contra eos qui adesse dedignantur, diligens inquisitio fiat.

De forma literarum Ordinariorum et aliarum monitorialium et inhibitorialium exequendarum.

[291.] Statutum est, quod in futurum literæ monitoriales sive inhibitoriales super provisionibus et collationibus beneficiorum, et super decimis, dentur per locorum Ordinarios, et eorum Officiales sub pœna excommunicationis cum hac clausula: *Quam pœnam in contrarium facientes ferimus in his scriptis, et quos vos sic excommunicatos in ecclesiis vestris, et ubi Episcopus fuerit, Dominicis et aliis festivis diebus tempore Summæ Missæ et Divinorum excommunicatos denuncietis et publicetis.*

De ratione pro minutis decimis et oblationibus ante Pafcha facienda.

[292.] Quum, juxta Apoftoli fententiam, non folum ab omni malo, verum etiam ab omni fpecie mali abftinendum fit, maxime vero circa ecclefiæ facramentorum adminiftrationem, quæ Dominus nofter Jefus Chriftus, ut gratis inftituit, gratis etiam fidelibus exhiberi et miniftrari voluit; hinc ad evitandum populare murmur, præfertim tempore Pafchæ, dum in facramenti corporis et fanguinis Chrifti minifterio, in exigendis minutis decimis et aliis quibufdam oblationibus ecclefiæ miniftros adeo contingit effe follicitos, ut in grave Chriftianorum fcandalum rudi faltem populo, fingulifque qui in ecclefia fuerint, ratione veftimenti reddendi, videantur auguftiffimum illud facramentum venundare; ftatuit et ordinat hæc Synodus ut ecclefiarum vicarii, prout fingulis eorum manebit, cum fuis parochianis paulo ante Quadragefimam, in menfe Januario, pro decimis hujufmodi minutis, five perfonalibus five mixtis, aliis quoque oblationibus ecclefiæ debitis, rationem ineant; et ad hunc effectum literas monitoriales in forma debita a fuis Ordinariis refpective levent, impetrent, et executioni demandari curent, ut [in] Pafchali folemnitate populus Chriftianus liberius orationi vacet, idemque facramentum ardentiori pietatis affectu, Divinoque fervore percipiat, omni t[unc] temporis exactione penitus interdicta. Spontaneæ autem fidelium oblationes, facto dicti facramenti minifterio, ab eis, qui libere offerre voluerint, recipiantur; [a]t antea nihil exigatur, ut fupra.

De baptizatione infantium fecundum formam a Chrifto inftitutam et ab ecclefia receptam.

[293.] Quoniam Paulus Methuen, Guilelmus Harlay, Joannes Grant, Joannes Willocks, Joannes Patrik, et alii complures Catholicæ fidei et ecclefiafticæ unitatis defertores, non folum peftifera hærefeos dogmata diffeminarunt, fed et novum, inufitatum, et nufquam antea ab ecclefia Catholica hactenus

receptum baptiſandi modum induxerunt, unde merito dubitari poſſit, utrum infantes, ab eis et ſimilibus ſic baptiſati, verum baptiſma ſint conſecuti necne; proinde ut hujuſmodi omnis ambiguitas tollatur, et infantium ſaluti tutius ac melius conſulatur; decrevit hæc Synodus, ut tales infantes a ſacerdotibus baptiſentur ſecundum formam a Chriſto inſtitutam, et ab eccleſia receptam, in qua quidem eccleſiæ forma ſacerdotes proferant hæc verba: SI TU ES BAPTISATUS, EGO NON TE BAPTISO; SED SI NON ES BAPTISATUS, EGO TE BAPTISO IN NOMINE PATRIS, ETC., adjiciendo etiam aſperſionem, oleum, et alia inter baptizandum obſervari ſolita. Atque ut dictum decretum ad honorem Dei et infantium ſalutem cito et facile ſortiatur effectum, moneat patrem et matrem dictorum infantium, ut illos deferant aut deferendos curent ad ſuas eccleſias parochiales, et præſentandos vicario, curato, aut alii ſacerdoti illius ſacramenti legitimo miniſtro, et hoc ante quindecim dies monitionem talem proxime ſubſequentes, ſub pœna excommunicationis majoris. Inſuper prohibet præſens Synodus, ne qui infantes impoſterum baptiſentur, niſi a ſacerdotibus, et hoc ſecundum communem formam eccleſiæ, neceſſitatis articulo excepto, ſub pœna excommunicationis majoris tam in patrem quam in matrem, quam etiam in miniſtros, et patrinos, ac matrinas, et aliis pœnis a jure ſtatutis.

Ne ſacramenta Euchariſtiæ aut matrimonii miniſtrentur, niſi ſecundum ſolitam formam ab eccleſia inſtitutam.

[294.] Similiter prohibet hæc præſens Synodus, ne quis inpoſterum præſumat miniſtrare ſacramenta Euchariſtiæ aut matrimonii, vel eadem recipere, niſi ſecundum ſolitam et conſuetam formam eccleſiæ, hactenus rite obſervatam, et a ſacerdotibus celebrari conſuetam, ſub pœna excommunicationis majoris, tam in miniſtrantes et celebrantes, quam etiam in eadem ſuſcipientes.

Apud Ædem Dominicanorum Fratrum in Concilio Provinciali hujus regni Scotiæ incepto, ut ſupra, et finiendo ſeu finito die decimo menſis Aprilis, anno Domini milleſimo quingenteſimo quinquageſimo nono.

Monitio ſive intimatio Concilii Provincialis proxime futuri.

[295.] Hæc præſens Synodus ſignificat et intimat reverendiſſimis Archiepiſcopis, eorum Epiſcopis ſuffraganeis, Abbatibus, Prioribus, Commendatariis, ac omnibus aliis hujus regni eccleſiaſticis viris, fore Concilium Edinburgi in Cœnobio Dominicanorum, die Dominica Septuageſimæ proxime futura; ut illic diligenter conſideretur, utrum omnia præſentis Concilii decreta ſint executioni demandata, atque ut ibidem mature conſultetur [de] aliis rebus eccleſiaſticæ diſciplinæ, ſi quæ interim oriantur. Præterea vult præſens Synodus, ut omnes eccleſiaſtici ordinis exiſtiment ſe hac intimatione ſufficienter monitos atque citatos ad dictum Concilium proxime futurum.

[Ane G]odlie Exhorta[tioun maid a]nd ſett furth be the maiſt reuerende [father in God] Johane Archibiſchope of Sanctandrous, [Primate of] Scotland, Legat, *etc.*, with the auyſe of [the Prouin]ciale Counſale, haldin at Edinburgh the [ſecund da]y of Marche, the yeir of God ane thouſand [fyve] hundreth fifty aucht yeiris, to all vicaris, [cu]ratis, and vtheris conſecrate preiſtis lauch[full] miniſters of the ſacrament of the al[tar]e, to be red and ſchawin be thame to the Chriſtiane peple, quhen ony ar to reſaue the ſaid blyſſit ſacrament, *etc.* *Cum priuilegio Reginali.*

[296.] Devote Chriſtiane men and wemen, quha at this preſent tyme ar to reſaue the blyſſit ſacrament of the altare, wytt ye perfitlie and beleue ye fermlie, that vnder the forme of breaid, quhilk I am now preſentlie to miniſter to yow, is contenit trewlie and realie our Salueour Jeſus Chriſte, heale in Godhede and manhede, that is, baith his bodie, and blude, and ſaule, coniunit with his Godhede, quha in his mortale lyue offerit hym ſelf upon the Croce to the Father of Heuin, ane acceptable ſacrifyce for our redemptioun fra the deuyll, ſyn, eternall dede, and hell, and now in his immortall lyfe, ſittis at the rycht hand of the Eternal Father in Heuin, quhame in this blyſſit ſacrament, inuiſiblie contenit vnder the forme of breade, I am to miniſter to yow. And wit ye [that reſſaue this] blyſſit ſacrament worthelie, ye re[ſſaue the blyſſit] bodie and blude of our Salueo[ure Chryſt for the] fude of your ſaulis, to ſtrenth yow a[ganis all mor]tall and deidlie ſynnis, and power of [the deuill,] to mak yow ſtarke

in your faith towar[tes your] God, to get his grace largelie ekit to y[ow, to keip] vp your hope vnto the mercye and glore of [God, to] kendle your hertis, and mak yow ardent in[to the] lufe of God, and of your nychtbour, to ca[use yow] haue quick remembrance of the blyssit P[assioun of] our Saluiour and Redemptour Jesus Christe, quhilk he tholit for yow; quhairthrouch with leuyng faith ye maye get and obtene remissioun of your synnis, and be reconciliat to the Father of Heuin, and als be delyuerit fra eternale damnatioun, and brocht to eternal lyfe and glore. ¶ Attoure, wytt ye Cristiane and faithfull peple that quha ressauis worthelie this blyssit sacrament, ar vnit and coniunit to the mistical bodie of our Saluiour Jesus Christe: that is to the Sanctis of Heuin, and to thame that hes the grace of God in the erd, and maid quick and leuyng membris of the samyn misticale bodie. Heirfor I maist hertlie for the maist tender lufe, reuerence, and mercy of Christe Jesus our Saluiour, exhort yow all Christiane peple that ye ressaue this precious sacrament with perfyte faith, beleuyng fermlie that Christ Jesus your Saluiour tholit passioun and deid vpon the Croce for [your synnis. In reme]mbrance quhareof, with [a perfyte con]science, ye aucht to ressaue the [samyn: and becau]se this sacrament is the sa[crament of lufe] and concorde, se that nane of yow [with despyte] in your herte, presume to cum to [this blyssit sacrament], bot as ye walde be forgeuin of [your synnis, and re]ssauit in vnitie with God, swa [aucht ye to forge]ue vther. And becaușe ye [desyre to prepare y]our self to ressaue sa preci[ous a gift, raise yo]ur hertis to God, and als [with grete dolour] praye him in Jesus Christis na[me] and for the merit of his Blyssit Passioun, to mak yow worthy be his grace thairto. For and ye ressaue the samyn vnworthelie, it will be to your damnatioun. And becaușe cursing cuttis and deuydis the cursit fra the haly congregatioun off the Kirk of God, and deidly syn makis man vnabyll to ressaue worthelie this blyssit sacrament, heirfor I praye yow, and als ernestlye in Jesus Christis behalfe and name chargis, that nane off yow knawing hym self cursit or in stait of deidly syn, or

nocht confeſſit to his curate or vther preiſte hauying power thairto, according to the law of God and Haly Kirk, preſume to cum to this haly and maiſt excellent ſacrament of our Salniour Jeſus.

To the C[lergye.]

Ye vicaris, [curatis and vthe]ris preiſtis th[at ar employit in the] miniſtrati[oun of the blyſſit ſacra]ment of the [altare, witt ye that the] Prouincia[le Counſale ſtraitlye char]gis yow, that [ye miniſter the blyſſit ſa]crament mair godlie, mair honeſtlie, and with [gre]tare reuerence, than ye war wount to do. Thole nocht your parrochianaris to cum to this blyſſit ſacrament miſordourlie. But put thame in ordour be your miniſteris before the altare, and requyre thame to heir yow reid the afore wryttin exhortatioun, without noyſſe or din, and to ſit ſtyll ſwa in deuotioun, with deuote hert and mynde, quhill thay be ordourlie ſeruit of the ſaide blyſſit ſacrament, *etc.*

Finis.

Extractum ex Libris Actorum et Statutorum dicti Prouincialis Concilij: per me eiuſdem Concilij Clericum et Notarium ſubſcriptum.

Andreas Elephantus manu ſua,
de mandato, ſubſcripſit.

VARIOUS READINGS.

Page	line		
3	2	Bulla Pape Honorij de concilio prouinciali celebrando in Scotia .	Bulla Pape Honorij de Concilio Prouinciali Scotie . *Reg. Epis. Aberd.* Littera de consilio provinciali celebrando in Scotia singulis annis . *Reg. Epis. Morav.*
3	3-4	venerabilibus fratribus vniuersis episcopis	universis episcopis *Reg. Epis. Morav.*
3	5	nuper auribus nostris	nostris nuper auribus *Reg. Epis. Morav.*
3	5	haberetis	habeatis *Reg. Epis. Morav.*
3	6	Concilium Prouinciale	provinciale concilium *Reg. Epis. Morav.*
3	7	contingit	contigit *Reg. Epis. Morav.*
3	8	Generalis et enormia	generalis . enormia *Reg. Epis. Morav.*
3	9	debeant	debent *Reg. Epis. Morav.*
3	11	adhibendus	habendus *Reg. Epis. Morav.*
3	11	sunt relegende	relegende sunt *Reg. Epis. Morav.*
3	12	conseruande	servande . *Reg. Epis. Morav.*
3	12	Generali Concilio	concilio generali *Reg. Epis. Morav.*
3	15	Datum apud Tyberym	Datum Tyber'. *Reg. Epis. Morav.*
6	7	capitis . [Sitque pars et societas eorum] cum	capitis cum *Reg. Epis. Aberd.*
6	9	alij . [fiant] filij	alij . filij *Reg. Epis. Aberd.*
6	26	beris [fals] wytnes	beris wytnes *Liber Sancti Terrenani ecclesie de Arbuthnot MS.*
9	1	Incipiunt statuta generalia ecclesie Scoticane .	Statuta concilii Scoticani . *Ethy MS.* Incipiunt statuta ecclesiastica . *Lambeth MS.*
9	2	ut Ysodorus ait	vt ayit Ysodorus *Lambeth MS.*
9	3	quibus sancta Romana ecclesia . fide	cuilibet ecclesie Romane fides *Lambeth MS.*
9	4	iuxta fidem	secundum fidem *Reg. Epis. Aberd.*
9	5	Apostolicam certitudinem . . .	apostolicam certum diem *Ethy MS.*
9	6	sicut dicit Beatus Gregorius Papa . quod sicut Sancti	sicut beatus Gregorius Papa scribit quod sicut sancti *Reg. Epis. Aberd.* sicut beatus Gregorius scripsit quod sancti *Lambeth MS.*
9	7	suscipere et venerari	suscipiens venerari *Reg. Epis. Aberd.*
9	8	Ephesinum	Ephosinum *Ethy MS.*
9	10	ad laudem Dei	ad Dei laudem *Reg. Epis. Aberd.* ad fidei laudem *Lambeth MS.*
9	10	et omnium	in omnium *Lambeth MS.*

Page	line		
9	11	Catholicorum principum . . .	Catholicorum principium *Ethy MS.*
9	12	quod singulis	vt singulis *Reg. Epis. Aberd.*
9	14	rite celebrentur	rite observentur et celebrentur *Lambeth MS.*
9	15	in hac forma	in hec verba *Reg. Epis. Aberd.*
9	17	Omnipotentis Dei	Dei Omnipotentis *Reg. Epis. Aberd.*
9	17	ac sacrosancte	et sacrosancte *Reg. Epis. Aberd.*
9	18	prelati Scoticane ecclesie . . .	prelati ecclesie Scoticane *Reg. Epis. Aberd.* predict' ecclesie Scoticane *Lambeth MS.*
9	25	inuocata	inuocati *Lambeth MS.*
9	25	Spiritus Sancti	Sancti Spiritus *Reg. Epis. Aberd.*
10	1-2	reformare	reformari *Ethy MS.*
10	2	impeditus	prepeditus *Lambeth MS.*
10	2-3	uice sua procuratorem	procuratorem vice sua *Reg. Epis. Aberd.*
10	3	ueniens autem	autem veniens *Reg. Epis. Aberd.*
10	4	uenire possit et noluerit . . .	venire non possit ut voluerit *Lambeth MS.*
10	4	autoritate et arbitrio Concilii . .	auctoritate concilij et arbitrio *Reg. Epis. Aberd.*
10	5	Quomodo Conseruator debeat eligi .	This rubric is wanting both in the *Ethy MS.*, and in the *Lambeth MS.*
10	7	cuilibet Episcoporum vni post alterum iniungatur	cujuslibet Episcoporum vnius post alterius nunciatur *Lambeth MS.*
10	9	et quod	ut quod *Lambeth MS.*
10	9	Concilii ordinetur	ordinetur Concilij *Lambeth MS.*
10	10-1	suo fungatur officio . ac manifestos	suo vigore officii manifestos *Lambeth MS.*
10	12	uiolatores puniat . et ad debitam satisfactionem	violatorum puniat defectus et ad satisfactionem *Lambeth MS.*
10	13	conpellat	compellat *Reg. Epis. Aberd.* and *Lambeth MS.*
10	14	De fide Catholica	This rubric is wanting in the *Lambeth MS.*
10	15	approbacione Concilii . vt . . .	approbationes Concilii ubi *Lambeth MS.*
10	18	liberis suis	suis liberis *Reg. Epis. Morav.*
10	18-9	et eos	et eosdem *Lambeth MS.*
10	20	De sacramentis obseruandis . . .	Quod sacramenta ecclesie diligenter ministrentur . *Reg. Epis. Aberd.* There is no rubric in the *Lambeth MS.*
10	21	Statuimus eciam quod ecclesiastica sacramenta	Statuimus quod sacramenta ecclesiastica *Reg. Epis. Aberd.*
10	23-5	tradita sub certis uerbis catholice scriptis . et quod audeat nullus formam canonicam aut uerba certa in eadem catholice tradita modis aliquibus immutare .	tradita sub certis uerbis catholice scriptis . et quod audeat nullus formam canonicam aut uerba circa eadem catholice tradita modis aliquibus immutare . *Ethy MS.* tradita sub certis verbis catholice scriptis et quod nullus audiat formam canonicam vel verba certa in eadem catholice tradita modis aliquibus immutare . *Lambeth MS.* tradita . Sub certis verbis catholice tradita modis aliquibus immutare non liceat *Reg. Epis. Aberd.*

Page	line		
11	1	De ecclesiis edificandis	Quod ecclesie sufficienter ornentur *Reg. Epis. Aberd.* There is no rubric in the *Lambeth MS.*
11	2	Statuimus ad hec quod ecclesie . pro modo	Ad hec statuimus quod ecclesie ad modum *Reg. Epis. Aberd.* Statuimus adhuc quod ecclesie pro modo *Lambeth MS.*
11	2-3	ipsorum parochianorum . per ipsos	ipsorum parochianorum et per ipsos *Reg. Epis. Aberd.* parochianorum per ipsos *Lambeth MS.*
11	3	cancella	cancelle *Lambeth MS.*
11	3	per ipsos rectores	per rectores *Reg. Epis. Aberd.*
11	5	libris . et uasis	libris . uasis *Ethy MS.* et vasis *Lambeth MS.*
11	6	De capellis non construendis . .	This rubric has been supplied in the *Ethy MS.* by a different hand, and not with red ink. The rubric in the *Reg. Epis. Aberd.* is De ecclesijs edificandis . There is no rubric in the *Lambeth MS.*
11	7	Item . statuimus	Statuimus *Lambeth MS.*
11	7	oratorium	ornamentum *Lambeth MS.*
11	9	quin pocius	quoniam *Lambeth MS.*
11	9	sacros canones	canones sacros *Reg. Epis. Aberd.* and *Lambeth MS.*
11	10	prophanentur . ¶ Et quia . . .	What follows *prophanentur* stands as a separate statute, with the rubric *De eodem* interjected, in the *Reg. Epis. Aberd.* The *Lambeth MS.* omits everything after *prophanentur.*
11	10-1	locis inuenimus obseruatum . .	locis ut inuenimus obseruatus est . *Ethy MS.*
11	14	Prouiso ut	Prouisa ut *Ethy MS.* Prouiso quod *Reg. Epis. Aberd.* The first fragment of the *Ethy MS.* ends with the words *Prouisa ut.*
12	7	De honestate clericorum	This rubric is wanting in the *Lambeth MS.*
12	8-9	habeat rectorem aut vicarium . .	habeat vicarium *Lambeth MS.*
12	9	aut per alium	vel per alium *Lambeth MS.* aut alium *Reg. Epis. Aberd.*
12	10	ijdem	idem *Lambeth MS.*
12	11	ducant	ducat *Lambeth MS.*
12	11	subiaceant vltioni	iaceat vltione *Lambeth MS.*
12	12	Quod vicarij sufficientem habeant sustentacionem	This rubric is wanting both in the *Lambeth MS.* and in the *Liber S. Marie de Calchou.*
12	13	Statuimus ad hec quod	Statuimus quod *Liber S. Marie de Calchou.* Statuimus ad huc vt *Lambeth MS.* Ad hec statuimus vt *Reg. Epis. Aberd.*
12	14	quoniam qui altaribus	quoniam qui altari *Reg. Epis. Aberd.* quoniam altaribus *Lambeth MS.*

Page	line		
12	15	ipsis	ipsius *Reg. Epis. Aberd.*
12	15	debent	debent etiam *Lambeth MS.*
12	15-6	Ita tamen quod porcio vicarii pura libera omnibus	tamen portio vicarii ita pura et libera sit omnibus *Lambeth MS.*
12	16	deductis	subductis *Reg. Epis. Aberd.* and *Lambeth MS.*
12	16-7	ad minus estimationem	quod ad minus ecclesiam *Lambeth MS.*
12	17	attingat	attinget *Lambeth MS.*
12	17	suppetant	suspectant *Lambeth MS.*
12	18	Prouiso quod in pinguioribus ecclesijs	Prouiso in pinguioribus *Lambeth MS.*
12	18	secundum modum facultatum . .	secundum facultates *Liber S. Marie de Calchou.*
12	19	eisdem	eiusdem *Lambeth MS.*
13	5	Quod nullus se intrudat in beneficio ecclesiastico	This rubric is wanting in the *Lambeth MS.*
13	6	consensu Dyocesani	conscientia Dyocesani *Reg. Epis. Aberd.*
13	8	intrudatur vel aliquam	introducatur et si aliqua *Lambeth MS.*
13	8-9	administrationem . Et qui . . .	ministratione quam *Lambeth MS.*
13	9	sancita a iure	statuta et a iure *Lambeth MS.*
13	9-10	competijt	competit *Lambeth MS.*
13	10	debet . et nichilominus	debet nichilominus *Lambeth MS.*
13	12	De mansionibus beneficiatorum . .	This rubric is wanting in the *Lambeth MS.*
13	16	Sustentatio autem	Sustentatione aut *Lambeth MS.*
13	17	spectat	pertinente *Lambeth MS.*
13	17	cum habeat	vel habeat *Lambeth MS.*
13	17	vsum earum et commodum . . .	vsum et commodum earum *Lambeth MS.*
13	19	Quod noui census non imponantur ecclesie .	This rubric is wanting both in the *Lambeth MS.* and in the *Liber S. Marie de Calchou.*
13	20	ecclesiis aut vicariis	ecclesiis vel vicariis *Lambeth MS.*
13	21	antiqui census	aliqui census *Lambeth MS.*
13	22	irritentur	irritetur *Lambeth MS.*
14	1	De clericis ordinandis	This rubric is wanting in the *Lambeth MS.*
14	2	Ad hec statuimus	Statuimus ad hec *Lambeth MS.*
14	2-3	de dyocesi alterius Episcopi . .	alterius episcopatus *Lambeth MS.*
14	3	ordines maxime sacros	ordines sacros *Lambeth MS.*
14	5	officium	officialem *Lambeth MS.*
14	5	certis litteris commendatitijs . .	certis litteris commendatoriis *Lambeth MS.* litteris commendatitijs certis *Reg. Epis. Aberd.*
14	6	Officialis vel Archidiachoni . .	Officialis Archidiachoni *Reg. Epis. Aberd.*
14	7	inmiscuerint	inmis *Lambeth MS.*
14	8	[De clericis ad religionem transeuntibus .]	This rubric is supplied. In the *Reg. Epis. Aberd.* the statute to which it is prefixed appears as part of the immediately preceding statute. In the *Lambeth MS.*, where the statute is disjoined from the preceding one, there is no rubric.

Page	line		
14	9	Statuimus ad hec	Ad hec statuimus *Reg. Epis. Aberd.* Statuimus ad huc *Lambeth MS.*
14	11	De confessoribus constituendis . .	This rubric is wanting in the *Lambeth MS.*, where the statute appears as part of the immediately preceding statute.
14	13	prudentes viri et fideles	viri prudentes et fideles *Lambeth MS.*
14	13	Episcopum	episcopatum *Lambeth MS.*
14	14	persone vicarij et minores . . .	persone minores *Lambeth MS.*
14	14-5	qui decanis	Decani *Lambeth MS.*
14	15	erubescunt	erubescant *Lambeth MS.*
14	15-6	verentur . In ecclesiis vero cathedralibus confessores	verentur in ecclesiis cathedralibus institui *Lambeth MS.*
14	16	precipimus generales	precipimus confessores generales *Lambeth MS.*
14	17	De locato et conducto	This rubric is wanting in the *Lambeth MS.*
14	18	dari	dare *Lambeth MS.*
14	18	penitus inhonestum	inhonestum penitus *Lambeth MS.*
14	20	posset	possit *Lambeth MS.*
14	21-2	ecclesiasticis etiam vltra . . .	ecclesiasticis vltra *Lambeth MS.*
14	22-3	nec eo [quinquennio] finito . .	nec eo finito *Reg. Epis. Aberd.* and *Lambeth MS.*
14	23	nisi prius ipsas	nisi ipsas *Lambeth MS.*
15	4	Episcopum	Episcopos *Lambeth MS.*
15	4-5	Archidiaconum	Archidiaconos *Reg. Epis. Aberd.*
15	6	De cohabitatione clericorum et mulierum	This rubric is wanting in the *Lambeth MS.*
15	7	a laribus	ab altaribus *Lambeth MS.*
15	7	turpi[tu]dinis	turpidinis *Lambeth MS.* cupidinis *Reg. Epis. Aberd.*
15	8	decor	doctor *Lambeth MS.*
15	8-9	studuerint semper ecclesiastici .	et ecclesiastici *Lambeth MS.*
15	9	ipsum tamen improbitatis . . .	profugare ipsum tactum improbitatis *Lambeth MS.*
15	10	semper se	super se *Lambeth MS.*
15	10	impudenter	imprudenter *Lambeth MS.*
15	10	igitur	ergo *Reg. Epis. Aberd.*
15	12	decretales Alexandri	decretalis Alexandri *Reg. Epis. Aberd.*
15	12	editas	edita *Reg. Epis. Aberd.*
15	13	vt nisi clerici	vt clerici *Reg. Epis. Aberd.*
15	14-5	vel alienis detinent publice . .	vel in aliis publice *Lambeth MS.*
15	15	prorsus a se remoueant	a se prop' suis remoueant *Lambeth MS.*
15	15-6	ipsas vel alias de cetero	ipsam vel *Lambeth MS.* alias de cetero *Reg. Epis. Aberd.*
15	16	detenturi . ab	detenturi alioquin ab *Reg. Epis. Aberd.*
15	17	vsquequo super hoc digne . . .	vsquequo super hoc *Reg. Epis. Aberd.* vsque super hoc digne *Lambeth MS.*
15	17	beneficijs	beneficio *Lambeth MS.*
15	18	ecclesiasticis se nullatenus . . .	nullatenus se ecclesiasticis *Lambeth MS.*

Page	line		
15	18-9	ipso iure eos decernimus . . .	ipso iure ipsos eis decernimus *Reg. Epis. Aberd.*
15	19	fore	esse *Reg. Epis. Aberd.*
15	20	Decani super hoc diligentem . .	Decani diligentem *Lambeth MS.*
15	20-1	fieri faciant inquisitionem per omnes decanatus	fieri faciant per omnes decanatus inquisitionem *Reg. Epis. Aberd.* faciant inquisitionem per omnes decanatus *Lambeth MS.*
15	21	quod in hac parte statuimus . .	quod statuimus *Reg. Epis. Aberd.*
15	22	De rebus ecclesie non alienandis .	This rubric is wanting in the *Lambeth MS.*
15	25	quibuslibet	aliquibus *Lambeth MS.*
15	26-7	rectores pro se viuentibus aut suo annuali poterint pertinere . ne per	rectores fructus ecclesiarum pertinere per *Lambeth MS.*
16	1-2	patronis aut earum rectorum successoribus dampnum aut iniuria generetur	patronis *Lambeth MS.*
16	3	Item de eodem	This rubric is wanting in the *Lambeth MS.*
16	5	alios ecclesiasticos personis . . .	aliis personis ecclesiasticis *Lambeth MS.*
16	6	presertim laicis etiam	presertim et *Lambeth MS.*
16	7	aut	et *Lambeth MS.*
16	7	quomodolibet alienare	quolibet an'o alienare *Lambeth MS.*
16	8-9	fuerit irritum sit et inane . et quod sic alienatum fuerit ad ius et .	fuerit ius ad *Lambeth MS.*
16	11	Item de eodem	This rubric is wanting in the *Lambeth MS.*, where this statute stands as part of the immediately preceding one.
16	12	Adicimus etiam	Adiciente *Lambeth MS.*
16	12	decimarum	decime *Lambeth MS.*
16	14	debeant venditionem	debeant per venditionem *Lambeth MS.*
16	14-5	seu aliquam aliam	seu per aliquam aliam *Lambeth MS.* seu aliam *Reg. Epis. Aberd.*
16	16	hijdem contractus omni careant .	idem contractus omni careat *Lambeth MS.*
16	17-8	vendentes etiam	vendentes autem *Lambeth MS.* ementes etiam *Reg. Epis. Aberd.*
16	19	vel penitus eneruantur	et penitus enormantur *Lambeth MS.*
16	20	Ne clerici vel monachi se negotijs immisceant .	This rubric is wanting in the *Lambeth MS.*, where this statute stands as the conclusion of the subsequent statute, 'De testamentis et vltimis voluntatibus,' p. 18.
16	21	Cum	cum *Lambeth MS.*
16	21	caueatur	teneatur *Lambeth MS.*
16	22	negocijs secularibus . statuimus quod nemo religiosus aut . .	secularibus negocijs et *Lambeth MS.*
16	23	sanctis ecclesijs astricti actores .	sanctis ecclesiastici actores *Lambeth MS.*
16	24	secularibus fiant	secularibus non fiant *Lambeth MS.*
16	25	per quas ad ratiocinia teneantur .	per quas teneantur *Lambeth MS.*

Page	line		
17	2	ex hoc	hujusmodi *Lambeth MS.*
17	3	aliqui aduersus hoc imposterum .	aliqui inposterum hoc aduersus *Lambeth MS.*
17	5	vel potestatibus	spectatibus *Lambeth MS.*
17	5	immixerunt	innxerint *Reg. Epis. Aberd.*
17	18	De Interdicto	This rubric is wanting in the *Lambeth MS.*
17	19	ac alijs	et alijs *Lambeth MS.*
17	21	confratrijs seu elemosinis fidelium colligendis	confratrijs seu elemosinis colligendis *Reg. Epis. Aberd.* confratrijs et suis elemosinis fidelium collegendis *Lambeth MS.*
17	21-2	anno loca ista	anno ad loca predicta *Lambeth MS.*
17	22	aperiri	expiari *Lambeth MS.*
17	23	excommunicati nullatenus . . .	nullatenus excommunicati *Lambeth MS.*
17	23-4	admittantur et ipsi precipue qui causam de testamentis dederunt interdicto	admittantur *Lambeth MS.*
17	25-6	predonum aut	peccatorum et *Reg. Epis. Aberd.*
17	26	aliorum locorum . cum quibus .	aliorum quibus *Reg. Epis. Aberd.*
18	2	huiusmodi ipsos fore decreuimus abusores . ipsos quoque	huiusmodi ipsos esse abusores decreuimus ipsosque *Lambeth MS.* huiusmodi fore decreuimus abusores . ipsos quoque *Reg. Epis. Aberd.*
18	3	admittendos	admittentes *Lambeth MS.*
18	5	De testamentis et vltimis voluntatibus .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
18	6	Statuimus	Item statuimus *Lambeth MS.*
18	6	testamento cuiuscunque	testamento alicuius cuicunque *Reg. Epis. Aberd.*
18	7	et alij	ac alij *Reg. Epis. Aberd.*
18	8	compelli possunt . vt dicunt . .	possunt compelli *Lambeth MS.*
18	9	quod religiosi huiusmodi . . .	religiosi huiusmodi quia *Lambeth MS.*
18	9-11	nec in aliquo bona defunctorum administrent . quod si fuerint constituti pro non constitutis penitus habeantur .	nec in aliquo constructi . pro non constructis habeantur *Ethy MS.* nisi in aliquo bona defunctorum administrant quia si fuerint constituti pro constitutis penitus habeantur cum iure diuino et humano [and so forth, as in the preceding statute, 'Ne clerici vel monachi se negotijs immisceant,' pp. 16, 17.] *Lambeth MS.*
18	12	De immunitate ecclesiarum . . .	This rubric is wanting in the *Lambeth MS.*
18	13	Statuimus etiam quod	Statuimus quod *Reg. Epis. Aberd.*
18	14	nocturni depopulatores	notorij depopulatores *Reg. Epis. Aberd.* nocturni populatores *Lambeth MS.*
18	14	publici et	publici aut *Lambeth MS.*
18	15	vel fractores	aut effractores *Lambeth MS.*
18	16	excommunicati . In quibus . . .	excommunicati quibus *Reg. Epis. Aberd.*

Page	line		
18	16-8	adhuc sunt tuendi . donec Dyocesanus . vel eius Officialis . pronunciauerit sentencialiter	adhuc tuendi Dyocesanus aut eius Officialis pronunciauerint specialiter *Lambeth MS.*
18	18	defendendos	defendendos quod nullus presbyter [and so forth, as in the immediately following statute, 'Item de eodem,' p. 18.] *Lambeth MS.*
18	19	Item de eodem	This rubric is wanting in the *Lambeth MS.* where the statute to which it is prefixed stands as part of the immediately preceding statute.
18	20	Adicientes quod	quod *Lambeth MS.*
18	20	presbyter seu vicarius	vicarius seu presbyter *Reg. Epis. Aberd.*
18	20	seu aliquis alius clericus . . .	seu clericus alius *Reg. Epis. Aberd.* seu aliquis alius ecclesiasticus *Lambeth MS.*
18	21	aliquem Cruce signatum . seu clericum captum pro	maxime quem natum se clericum pro *Lambeth MS.*
18	21-2	preda vel latrocinio	preda latrocinio *Reg. Epis. Aberd.*
18	22	latrocinio maxime si	latrocinio si *Lambeth MS.*
18	22	maleficijs fuerint defamati . . .	maleficijs defamati *Lambeth MS.*
18	23	iussu vel	iussu et *Reg. Epis. Aberd.* visu vel *Lambeth MS.*
18	23-4	Episcopi Archidiaconi	ipsius Archidiaconi *Lambeth MS.*
18	24	fuerit requirendus	fuerint requirendi *Lambeth MS.*
18	25	fideiussor inveniatur apud . . .	fideiussor apud *Lambeth MS.*
18	25	pro talium	per alium *Lambeth MS.*
19	1	deliberatione	liberatione *Reg. Epis. Aberd.*
19	1	priuilegi[at]orum	priuilegiorum *Reg. Epis. Aberd.* and *Lambeth MS.*
19	2	fuerint moniti et requisiti . . .	moniti fuerint et requisiti fuerint *Reg. Epis. Aberd.*
19	2	deliberationem	liberationem *Reg. Epis. Aberd.*
19	3	compellantur . etc . etc . . .	compellantur . *Reg. Epis. Aberd.*
19	4	De eodem	This rubric is wanting in the *Lambeth MS.*
19	5	etiam clericos	etiam quod clericus *Lambeth MS.*
19	5	esse defendendos	est defendendus *Lambeth MS.*
19	6	iusticia propter	propter iusticia *Lambeth MS.*
19	6-7	ordinibus rite degradentur . . .	ordinibus degradentur *Reg. Epis. Aberd.*
19	7	impunita	impuniti *Lambeth MS.*
19	7-8	maleficijs deprehensi aut . . .	maleficijs aut *Lambeth MS.*
19	9	tales clerici commendentur ac . .	com'andan' comeden' a *Lambeth MS.*
19	10-1	siti in carcere suffocentur . . .	site suffocentur . Nota si unus homo in duabus parochiis [and so forth, as in the last sentence of the statute, 'De mortuariis, p. 44.] *Lambeth MS.*
19	12	De ferijs	This rubric is wanting in the *Lambeth MS.*
19	13	secularia in diebus	secularia diebus *Lambeth MS.*
19	14	ac in alijs	et alijs *Lambeth MS.*
19	15	aut alijs	uel alijs *Lambeth MS.*

Page	line		
19	16	sanguinum aut criminales . . .	sanguinum criminales *Lambeth MS.*
19	16-7	locis ant temporibus predictis . .	locis predictis aut temporibus *Lambeth MS.*
19	18	Vt libertates ecclesie sine diminutione conseruentur	This rubric is wanting in the *Lambeth MS.*
19	19	permittatur	permittantur *Lambeth MS.*
19	19	aut	vel *Lambeth MS.*
19	20	et	aut *Lambeth MS.*
19	21	ac diuino iure vel	a diuino iure et *Lambeth MS.*
20	1	De Cruce signatis ab ecclesia defendendis	This rubric is wanting in the *Lambeth MS.*
20	2	Statuimus etiam	Statuimus autem *Reg. Epis. Aberd.*
20	2	concilij Lateranensis	Lateranensis ecclesie concilij *Lambeth MS.*
20	3	tuendi sunt	sunt tuendi *Lambeth MS.*
20	4	sequestrati	sequestrandi *Reg. Epis. Aberd.* and *Lambeth MS.*
20	4	super hoc iustum	super iustum *Lambeth MS.*
20	6	Quod nami non capiantur per laicos in terris ecclesiasticis .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
20	7	Statuimus etiam quod	Statuimus quod *Reg. Epis. Aberd.*
20	7	nullus vicecomes . balliuus . .	nullus balliuus . *Lambeth MS.*
20	10	forlereý	for le Raý *Reg. Epis. Aberd.* forbere *Lambeth MS.*
20	11	vel capi faciens	vel ea faciens *Lambeth MS.*
20	11	admonitus	ammonitus *Reg. Epis. Aberd.*
20	12	aut	vel *Lambeth MS.*
20	12	et etiam	etiam *Lambeth MS.*
20	13	excommunicationis	excommunicationi *Ethy MS.*
20	14	coherceatur	cohercetur *Lambeth MS.* coerceatur *Reg. Epis. Aberd.*
20	15	Quod clericus non trahatur ad forum seculare .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
20	17	aut etiam	aut *Lambeth MS.* vel etiam *Reg. Epis. Aberd.*
20	18	eam coram	coram *Lambeth MS.*
20	19	prosequatur	proferatur *Lambeth MS.*
20	19	suum nullatenus	nullus *Lambeth MS.*
20	21	destiterit . actor	desisterit auctor *Lambeth MS.*
20	21	siquid sibi competat	quod sibi competit *Reg. Epis. Aberd.* and *Lambeth MS.*
20	22	pro conuicto	pro uicto *Lambeth MS.*
20	22	perseuerent	perseueret *Lambeth MS.*
20	23	contempnant	contempnat *Lambeth MS.*
20	23	sacros canones	canones sacros *Lambeth MS.*
20	24	denuncientur	Here the statute ends in the *Ethy MS.*, the statute 'De decimis et primicijs,' p. 21, being interjected between it and what follows in the text, as in the *Reg. Epis. Aberd.* and *Lambeth MS.*

Page	line		
20	24-5	cum inuasores ac perturbatores immunitatum	cum immunitatum *Lambeth MS.*
20	25	libertatum . et possessionum	libertatum . possessionum *Ethy MS.* and *Reg. Epis. Aberd.*
21	1	nec non eciam et perturbantes	nec non perturbantes *Reg. Epis. Aberd.* nec non et etiam perturbantes *Lambeth MS.*
21	2	latam sententiam	sententiam latam *Reg. Epis. Aberd.*
21	2	sint	sunt *Lambeth MS.*
21	4	publice denunciari	denunciari publice *Lambeth MS.*
21	5	De decimis et primicijs	This rubric is wanting both in the *Ethy MS.* and the *Lambeth MS.*
21	7	innouantur . videlicet	innouantur de quibus decime prestari debent vt *Reg. Epis. Aberd.*
21	7	de blado . feno	de blado et de feno . *Lambeth MS.*
21	8	piscarijs . de fetibus	pascarijs et fetibus *Lambeth MS.*
21	9	fiant . butiro . pullis	fiant . pullis *Reg. Epis. Aberd.*
21	9-10	ouis . petariis . silua cedua . de fructibus arborum . negociacione . venacione . aucupacione . et	ouis negociatione venatione silua cedua de fructibus arborum et *Reg. Epis. Aberd.*
21	10	et aliis	et de aliis *Lambeth MS.*
21	11	illis ad quos	hijs ad quos *Reg. Epis. Aberd.*
21	11-2	noscuntur . etiam si de aliquibus huiusmodi decime antea non fuerint persolute .	noscuntur . *Reg. Epis. Aberd.*
21	13	De decimis ortorum .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
21	14	Ad hec decreuimus	Ad hec decernimus *Reg. Epis. Aberd.* Statuimus ad hoc *Lambeth MS.*
21	15	uicariam pertineant .	vicarium pertinent *Lambeth MS.*
21	15	Decime uero ortorum	decime ortorum *Lambeth MS.*
21	16	redacti	redacte *Ethy MS.*
21	16-7	personam	Rectorem *Lambeth MS.*
21	18	seminetur	seminatur *Reg. Epis. Aberd.*
21	18	pertineat	pertinet *Lambeth MS.*
21	19	De decimis vaccarum .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
21	20	Item de vaccis fetis statuimus . vt . si de	Statuimus de vaccis vt de *Lambeth MS.*
21	21	pro uitulo eius	pro ejus vitulo *Reg. Epis. Aberd.* pro vitulo *Lambeth MS.*
21	22	decimis exigantur .	decima exigatur . *Reg. Epis. Aberd.* decima exigantur . *Ethy MS.*
22	1	De decimis ouium .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
22	2	Item de ouibus statuimus	Item statuimus de ouibus *Reg. Epis. Aberd.* Statuimus de ouibus *Lambeth MS.*

Page	line		
22	2	vel etiam cetera animalia . . .	vel cetera animalia *Reg. Epis. Aberd.* vel etiam alia animalia *Lambeth MS.*
22	3	excreuerint	extiterint *Reg. Epis. Aberd.* extiterunt *Lambeth MS.*
22	4	decimas	decimam *Reg. Epis. Aberd.* and *Lambeth MS.*
22	4	integrum	integre *Lambeth MS.*
22	5	aliqua parochia steterint . . .	alicuius parochia steterint . *Reg. Epis. Aberd.* aliqua parochia extiterint *Lambeth MS.*
22	8	De eodem	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.* In the latter, the statute to which it is prefixed stands as part of the immediately preceding statute.
22	9	Item statuimus si	Item si *Ethy MS.* and *Lambeth MS.*
22	10	aueriis	animalibus *Lambeth MS.*
22	10	aliqua	alia *Reg. Epis. Aberd.*
22	10-1	idem quod	id quod *Reg. Epis. Aberd.* id ut *Lambeth MS.*
22	12	[De eodem .]	This rubric is supplied.
22	20	De animalibus que cubant in vna parochia et pascuntur in alia .	This rubric appears as a marginal note in the *Ethy MS.* The rubric in the *Reg. Epis. Aberd.* is 'De eodem.' There is no rubric in the *Lambeth MS.*
22	21	Item statuimus quod animalium .	Item statuimus quod animalia *Ethy MS.* Statuimus item quod animalia *Lambeth MS.*
22	21	pascuntur	pascunt *Ethy MS.* and *Reg. Epis. Aberd.*
22	22-3	communiter pascuntur	pascuntur communiter *Lambeth MS.*
22	23	illa	alia *Lambeth MS.*
23	1	percipiat	recipiat *Reg. Epis. Aberd.*
23	1	ecclesie	illi *Lambeth MS.*
23	3	De decima feni et molendinorum .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
23	4	Item statuimus de decimis . .	Item statuimus de de decimis *Ethy MS.* Statuimus de decimis *Lambeth MS.*
23	5	quas qui soluere	quas si aliquis soluere *Reg. Epis. Aberd.*
23	5	ammonicionem	mouitionem *Lambeth MS.*
23	7	De mercenarijs	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
23	8	Item statuimus quod sufficiat a mercenariis	Statuimus de mercionariis *Lambeth MS.*
23	8	operas suas	opera sua *Reg. Epis. Aberd.*
23	9	et infra	vel infra *Reg. Epis. Aberd.*
23	9	oblationes	obulos *Lambeth MS.*
23	11	De decima piscationum . . .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
23	12	Item de decimis piscatorum statuimus	Item statuimus de decimis piscatorum *Reg. Epis. Aberd.* Statuimus de decimis piscatorum *Lambeth MS.*

Page	line		
23	13	ab alienis parochianis decimas piscacionum	in aliena parochia piscationum decimas *Lambeth MS.*
23	14	uel mansiunculas ad inhabitandum	et mansiunculas ad habitandum *Lambeth MS.*
23	15	commodato	accomodato *Lambeth MS.*
23	15	habuerint	habuerunt *Lambeth MS.*
23	15-6	ecclesiarum aliqua	ecclesiam aliqua *Ethy MS.* ecclesiarum in aliqua *Lambeth MS.*
23	16	legitima prescripsione fuerit . .	legittima fuerunt *Lambeth MS.*
23	17-8	Casus in quibus excommunicantur qui perturbant viros ecclesiasticos seu eorum procuratores ne faciant commodum suum de decimis suis .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
23	19	Item statuimus ne	Statuimus etiam quod *Lambeth MS.*
23	19	inpediant	impediant *Reg. Epis. Aberd.* and *Lambeth MS.*
23	20	aliquo modo	modo *Lambeth MS.*
23	21	procuratores eorum	eorum procuratores *Lambeth MS.*
23	21	decimis suis seu dominorum . .	decimis dominorum *Lambeth MS.*
23	23	nec eciam	nec ecclesie *Lambeth MS.*
23	23	decimas emant seu eciam alias .	decimam emant seu etiam alias *Reg. Epis. Aberd.* decimas emat seu aliquas *Lambeth MS.*
24	1	nec eciam clericis aliquod . . .	nec clerici aliquid *Lambeth MS.*
24	2	quo minus	quo *Lambeth MS.*
24	2	colligant	collegant *Lambeth MS.*
24	3	de eis	de ijs *Reg. Epis. Aberd.*
24	3-4	aliquo modo	quoquo modo *Reg. Epis. Aberd.*
24	6	De hiis qui proiciunt decimas in agris .	This rubric is taken from a marginal note in the *Ethy MS.* The rubric in the *Reg. Epis. Aberd.* is, 'De furantibus decimas.' There is no rubric in the *Lambeth MS.*
24	7	Item statuimus	Statuimus etiam *Lambeth MS.*
24	7-8	subripuerint . vi	subripiunt . vi *Ethy MS.* subripuerint aut vi *Reg. Epis. Aberd.* surripiunt . vi *Lambeth MS.*
24	8-9	reliquerint	relinquunt *Lambeth MS.*
24	10	deferre	differre *Ethy MS.*
24	11	lesis seu	lesis et *Reg. Epis. Aberd.*
24	12	compellantur	compellantur . Ad hec statuentes quod iste [and so forth, as in the statute immediately following, 'De eodem.'] *Lambeth MS.*
24	13	De eodem	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.* In the latter, the statute to which it is prefixed stands as part of the immediately preceding statute, 'De hiis qui proiciunt decimas in agris.'

Page	line		
24	16	publicentur	publicentur . etc . *Lambeth MS.*
24	17	De conspiratoribus	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
24	19	regni . seu alios prelatos . et . .	regni et *Reg. Epis. Aberd.*
24	20	omnes tales scismatici et infames sunt .	tales scismatici sunt et infames . *Reg. Epis. Aberd.* omnes tales scismatici sunt et infames *Lambeth MS.*
24	21	De obediencia clericorum . . .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
24	22	Quoniam	Item quoniam *Lambeth MS.*
24	22	melior est	melior *Lambeth MS.*
24	23	peccato	spectat *Lambeth MS.*
24	23	comparatur	comparantur *Ethy MS.* comperantur *Lambeth MS.*
25	1	suis Dyocesanis . Archidiaconis . Decanis	suis Episcopis *Lambeth MS.*
25	2	contumaciter et sine manifesta causa racionabili	contumaces et sine rationabili causa et manifesta *Lambeth MS.*
25	3-4	maiori subdantur	majore puniantur *Lambeth MS.*
25	5	De Questionarijs . quod non nisi semel in anno admittantur .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
25	6	animas	animos *Lambeth MS.*
25	7	seducunt	deducunt *Lambeth MS.*
25	9	parochianis suis	parochianis *Lambeth MS.*
25	9	exponat	exponatur *Lambeth MS.*
25	10	Ordinarii	Dyocesani *Reg. Epis. Aberd.* Ordinariorum *Lambeth MS.*
25	11	nullatenus	non *Ethy MS.* and *Lambeth MS.*
25	11	excedat	Here the statute ends in the *Ethy MS.*, the clause beginning 'Ad alium,' and ending 'admittat,' having been added by a different hand on the margin.
25	11	Ad alium autem diem	Ad alium diem autem *Reg. Epis. Aberd.*
25	12	Questionarium in eadem ecclesia pro	Questionarium . in eadem pro *Ethy MS.* Questionarium pro *Lambeth MS.*
25	12	nullo modo	n'll's *Ethy MS.*
25	13	admittat	Here the statute ends both in the *Ethy MS.* and in the *Lambeth MS.*
25	24	Quod excommunicati sint subuertentes libertatem ecclesie . .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
25	25	De prelatis et clericis stipendiis .	De prelatis clericis et stipendiis *Lambeth MS.*
25	25-6	ecclesie militantibus . qui contra canonicas sanctiones . et libertates ecclesiasticas . et consuetudines ecclesie Scoticane . . .	ecclesie Scoticane *Lambeth MS.*

Page	line		
25	27	obtentas	obtentis *Lambeth MS.*
25	27	inpendunt	impendunt *Reg. Epis. Aberd.* and *Lambeth MS.*
26	1	eis	hijs *Reg. Epis. Aberd.*
26	1	condunt	edunt *Lambeth MS.*
26	2	iura et statuta . seu libertates .	iura seu statuta libertates *Reg. Epis. Aberd.* and *Lambeth MS.*
26	2	consuetudines huiusmodi . . .	huiusmodi consuetudines *Lambeth MS.*
26	3	possunt	possint *Ethy MS.*
26	3	scilicet . statu[t]ariis . et . . .	quoque questionariis et *Lambeth MS.* scilicet statuariis *Reg. Epis. Aberd.*
26	4	fautoribus	factoribus *Lambeth MS.*
26	4	decreuimus	decernimus *Reg. Epis. Aberd.*
26	5	canonem	canone *Reg. Epis. Aberd.* and *Lambeth MS.*
26	5	pro	et *Lambeth MS.*
26	5-6	publice denuncientur	denuncientur *Reg. Epis. Aberd.* What follows stands as a separate statute in the *Ethy MS.*, the three statutes 'De conspiratoribus,' 'De obediencia clericorum,' and 'De Questionarijs' being interjected.
26	6	Si quis uero beneficiatus . . .	Si quis beneficiatus *Lambeth MS.*
26	6	in posterum	imposterum *Reg. Epis. Aberd.* and *Lambeth MS.*
26	7	se beneficio	se a beneficio *Ethy MS.*
26	8	Si preditus	Si vero predictus *Lambeth MS.*
26	8-9	aliqua huiusmodi attemptare . .	aliqua preditus huiusmodi temperare *Lambeth MS.*
26	9-10	Si laicus . et ab ecclesia feodatus .	Si laicus . et ab ecclesiam feodatus . *Ethy MS.* Si laicus ab ecclesia infeodatus *Reg. Epis. Aberd.* Si laicus etiam feodatus *Lambeth MS.*
26	11	presumat	presumpserit *Lambeth MS.*
26	11	beneficium ecclesiasticum . . .	ecclesiasticum beneficium *Reg. Epis. Aberd.*
26	12	nisi prius coram loci Dyocesano .	nisi coram loci Dyocesano *Ethy MS.* nisi coram Dyocesano *Reg. Epis. Aberd.*
26	13	canonice purgauerit	purgauerit *Reg. Epis. Aberd.*
26	14	Infrascripti excommunicandi sunt quater in anno .	This rubric is wanting both in the *Ethy MS.* and in the *Lambeth MS.*
26	15	Item statuimus	Statuimus item *Lambeth MS.*
26	17	sortilegi	sortolegi *Lambeth MS.*
26	17	incendiarii	incendarii *Lambeth MS.*
26	18-9	impedientes testamenta legitime facta . et eciam omnes impedientes Ordinarios	impedientes ordinarios *Lambeth MS.* impedientes testamenta legittime facta et etiam impedientes ordinarios *Reg. Epis. Aberd.*
26	21-2	laici detinentes iuuadentes fraudantes et auferentes	laici Deo mentientes mandentes fraudulenter et auferentes *Lambeth MS.*
26	22	seu alia	aut alia *Reg. Epis. Aberd.*
26	23	et libertates . omnes	aut libertates et omnes *Reg. Epis. Aberd.*

Page	line		
26	23	in beneficio ecclesiastico se . .	se in beneficio ecclesiastico *Reg. Epis. Aberd.*
26	24	scienter	scientes *Lambeth MS.*
26	24	aut beneficium	vel beneficium *Lambeth MS.*
26	24-5	publici et notorij et omnes scienter	publici notarij et omnes scientes *Lambeth MS.*
26	25-6	raptores vt furentur vel rapiant .	latrones qui furantur et rapiunt *Lambeth MS.*
26	26-7	[qui] eos manutenent	eos manutenent *Reg. Epis. Aberd.* eos manuteneant *Lambeth MS.*
26	27	querelantur	querelatur . *Lambeth MS.*, where what follows stands, along with the immediately following statute, as a separate statute.
26	28	Contra latronum et predonum .	Contra predonum latronum ne *Lambeth MS.* Contra predonum latronum ne *Reg. Epis. Aberd.*
26	28	nimis	minus *Lambeth MS.*
26	28-9	regio Scoticana	ecclesia Scoticana *Lambeth MS.*
26	29	vt accepimus nisi maiores eos defenderent et manutenerent	nisi eos vt accepimus maiores defendant et manuteneant *Lambeth MS.*
27	1	scienter et prudenter fideiuberent .	scientes imprudenter fidem darent *Lambeth MS.*
27	3	vel villis quos sciuerint	vel vllos quos sciuerit *Reg. Epis. Aberd.*
27	3-4	vel manifestum fuerit latrocinium aut predam exercere .	manifestos latrones vel predict' exercere *Lambeth MS.*
27	5	commoniti	moniti *Lambeth MS.*
27	5	ecclesiasticum iudicem	iudicem ecclesiasticum *Lambeth MS.*
27	6	subiugamus	subiungamus *Lambeth MS.*
27	7	nomine non expresso	nomine suppresso *Lambeth MS.*
27	8	dum tamen ita publice ac . . .	dum ita publice ac *Reg. Epis. Aberd.* dum tamen publice et *Lambeth MS.*
27	8	eorum notitiam	omnium notitiam *Lambeth MS.*
27	9	falsas exceptiones	falsas excusationes *Lambeth MS.*
27	10	opponi procurant	opponenti concurrunt *Lambeth MS.*
27	11	falsum perhibent testimonium scienter	falsum scienter perhibent testimonium *Lambeth MS.*
27	11-2	vel id fieri procurant vel testes .	vel idem fieri procurant et qui testes *Lambeth MS.*
27	12	noscant	nouerint *Reg. Epis. Aberd.*
27	12	subiacere	subiacere . Item excommunicamus [and so forth, as in the immediately following statute] *Lambeth MS.*
27	13	De eodem	This rubric is wanting in the *Lambeth MS.*, where the statute to which it is prefixed stands, with the concluding portion of the previous one, as a separate statute.
27	14	excommunicamus omnes illos . .	excommunicamus illos *Reg. Epis. Aberd.*
27	14	Regis et regni	Regis aut regni *Reg. Epis. Aberd.*
27	15	odii	odio *Reg. Epis. Aberd.*
27	15	alijs crimina	crimina *Lambeth MS.*

Page	line		
27	15-6	imponunt pro quibus mors vel .	imponunt in ore vel *Lambeth MS.*
27	16	mutilatio	mutulatio *Lambeth MS.*
27	16	exheredatio	exhereditatio *Lambeth MS.*
27	17	spoliatio	expoliacio *Lambeth MS.*
27	17	iudicialiter	iusticialiter *Lambeth MS.*
27	17	conuincantur	conuincatur *Lambeth MS.*
27	18-21	De excommunicato per vnum Episcopum *etc*	This rubric is wanting in the *Lambeth MS.*
27	22	Statuimus etiam quod	Statuimus quod *Lambeth MS.*
27	22	ex nobis Episcopis	nostrum *Lambeth MS.*
27	25	de[nunci]andam	demandandam *Reg. Epis. Aberd.* and *Lambeth MS.*
27	26	denunciet	denunciat *Reg. Epis. Aberd.*
27	27	tanquam excommunicatum per se ipsum	per se ipsum tanquam excommunicatum *Reg. Epis. Aberd.*
28	1	in ipso	in eo *Reg. Epis. Aberd.*
28	1	talis excommunicatus	tales excommunicati *Lambeth MS.*
28	2	dies . claues	dies et claues *Lambeth MS.*
28	3	animo perseueraucrit	modo perseuerent animo *Lambeth MS.*
28	3	idem excommunicator	inde excommunicamus *Lambeth MS.*
28	4	ipsius excommunicati	excommunicatorum ipsorum *Lambeth MS.*
28	4	dyocesi sua	dyocesi *Lambeth MS.*
28	4	transierit	transierint *Lambeth MS.*
28	5	in eisdem fecerit moram . . .	moram fecerint *Lambeth MS.*
28	5	supposuerit	supponito *Lambeth MS.*
28	6	idem	dictum *Lambeth MS.*
28	8	similiter suppouat	supponat *Reg. Epis. Aberd.*
28	9	dicte sentencie	dicte sue terre *Lambeth MS.*
28	9	relaxate	What follows stands as a separate canon in the *Lambeth MS.*
28	9	Loca	llaici *Lambeth MS.*
28	9-10	per que talis excommunicatus transierit	per que transierit *Reg. Epis. Aberd.* per quos talis excommunicatus transierit *Lambeth MS.*
28	10	quamdiu ibi moram	quamdiu moram *Lambeth MS.*
28	10	ecclesiastico	execlesiastico *Reg. Epis. Aberd.*
28	10	supponat	supponantur *Lambeth MS.*
28	11	Vt tamen	tamen *Lambeth MS.*
28	12-3	vel eciam Regine consortis seu .	vel Regine consortis sue *Reg. Epis. Aberd.* vel eciam Regine seu *Lambeth MS.*
28	14	loci eius	loci eijs *Reg. Epis. Aberd.*
28	17	negligunt	negligent *Lambeth MS.*
28	17	idem	Item *Lambeth MS.*
28	18	locus quo moram fecerit talis excommunicatus per Diocesanum	locus per Diocesanum *Reg. Epis. Aberd.*
28	19	interdicto . exceptis tamen . .	interdicto . tamen *Reg. Epis. Aberd.* interdicto . exceptis tantum *Lambeth MS.*

Page	line		
28	20	capellis	capellanis *Reg. Epis. Aberd.*
28	21	incutiatur fortius obstinatis ad .	fortius incutiatur obstinatis ad *Lambeth MS.*
28	21	excommunicatorum	excommunicati *Lambeth MS.*
28	21-2	reprimendum si	reprehendandam Si *Lambeth MS.*
28	24	ab hac ecclesiastica	ab ecclesiastica *Reg. Epis. Aberd.*
28	25	eam impedierit	non expediret *Lambeth MS.*
28	25	per sacri consilij deliberationem .	pro consilij deliberatione *Lambeth MS.*
29	4	filia sua spirituali	In the *Reg. Epis. Aberd.*, the word 'carnali' has by another hand been written above 'spirituali.'
29	7	Quod absolutio excommunicacionis non sit extorquenda per laicos.	This rubric is wanting in the *Lambeth MS.*
29	8	nulla sit	nulla sibi *Lambeth MS.*
29	9	manet	namque *Lambeth MS.*
29	10	constitutionis vicium	constitutionis inicium *Lambeth MS.*
29	10-1	subuersionem	observatione *Lambeth MS.*
29	13	interdicti	interdictum *Lambeth MS.*
29	14	subditos suos	suos subditos *Lambeth MS.*
29	17	aut	siue *Reg. Epis. Aberd.*
29	17-8	modo aliquem compellat . . .	modo compellat *Reg. Epis. Aberd.*
29	18	canonis et concilij	concilij et canonis *Lambeth MS.*
29	19	huiusmodi	hunc *Lambeth MS.*
30	9-10	frequenter [laicos] et posse et debere baptizare	frequenter et posse et debere se baptizare *Reg. Epis. Aberd.*
30	24	dixerit [et] quid	dixerit aut quid *Reg. Epis. Aberd.*
30	25	discrete et in forma	discrete etiam in forma *Reg. Epis. Aberd.*
30	27	N. NON TE BAPTIZO [SI BAPTIZATUS ES] SET	N. NON TE BAPTIZO SET *Reg. Epis. Aberd.*
31	3	pa[ul]ulum	pabulum *Reg. Epis. Aberd.*
31	8	NON TE BAPTIZO [ETC.]	NON TE BAPTIZO *Reg. Epis. Aberd.*
31	10-1	Plures [tamen] tanquam . . .	Plures tanquam *Reg. Epis. Aberd.*
31	17	collocent [teneros] ne	collocent ne *Reg. Epis. Aberd.*
31	21	Quum sacrament[um] confirmationis ad robur datur	Quum sacramenta confirmationis ad robur dantur *Reg. Epis. Aberd.*
32	3-4	qua[nt]itatem pe[nitenci]e et qua[li]tatem delicti	qualitatem persone et quantitatem delicti *Reg. Epis. Aberd.*
32	10	persuadeat [et] plurimis . . .	persuadeat plurimis *Reg. Epis. Aberd.*
32	11	P[eccat]a inquirat	Preterea inquirat *Reg. Epis. Aberd.*
32	12	longe [et] per	longe per *Reg. Epis. Aberd.*
32	14	quibus [confitens] peccauerit . .	quibus peccauerit *Reg. Epis. Aberd.*
32	15	inquirat [sacerdos] set	inquirat set *Reg. Epis. Aberd.*
32	17	Precipiat	Precipiant *Reg. Epis. Aberd.*
32	21	rationa[bi]lem	rationalem *Reg. Epis. Aberd.*
32	27	secur[i]us	securus *Reg. Epis. Aberd.*
33	5	Domini [pertinent] sint . . .	Domini sint *Reg. Epis. Aberd.*
33	25	vndique [et] honeste	vndique honeste *Reg. Epis. Aberd.*

Page	line		
33	27	sacra[ri]um	sacramentum *Reg. Epis. Aberd.*
34	1	cleu[et] antequam	eleuent antequam *Reg. Epis. Aberd.*
34	2	celebrare [aliquo] casu	celebrare casu *Reg. Epis. Aberd.*
34	7	Post vero [primam] celebrationem	Post vero celebrationem *Reg. Epis. Aberd.*
34	10	ad [id] specialiter	ad specialiter *Reg. Epis. Aberd.*
34	15	superposito [et] lucerna . . .	superposito lucerna *Reg. Epis. Aberd.*
34	22	suorum [loturam] digitorum . .	suorum digitorum *Reg. Epis. Aberd.*
35	14	mutare [vel] transformare . . .	mutare transformare *Reg. Epis. Aberd.*
35	21	sacros [ordines] vel sacerdotes .	sacros vel sacerdotes *Reg. Epis. Aberd.*
35	23	precipimus vt [non se immisceant sed] officijs	precipimus vt officijs *Reg. Epis. Aberd.*
36	7	et cera de qua	et de cera qua *Reg. Epis. Aberd.*
37	18	et filium et filiam suscipientis . .	et filiam suscipientis *Reg. Epis. Aberd.*
38	8	[Infrascripti] excommunicandi sunt	Excommunicandi sunt *Reg. Epis. Aberd.*
38	12	hereditatem [aut] beneficium . .	hereditatem beneficium *Reg. Epis. Aberd.*
38	21-2	Ecclesie tue qu[esumu]s Domine .	Ecclesie tue quas Domine *Reg. Epis. Aberd.*
38	22-3	preces [placatus admitte . *etc*] .	preces etc. *Reg. Epis. Aberd.* The words of the collect within brackets are supplied from the *Liber Sancti Terrenani ecclesie de Arbuthnot.*
39	1-5	Deus in cuius manu corda sunt regum . [qui es humilium consolator . *etc*]	Deus in cuius manu corda sunt regum *Reg. Epis. Aberd.* The words of the collect within brackets are supplied from the *Liber Sancti Terrenani ecclesie de Arbuthnot*, with the addition of the words 'et eorum liberis,' from the canon, 'De celebratione Missarum,' in the *Lambeth MS.*, as printed in the text (p. 56).
39	12	[De] monitionem faciendo . . .	monitionem faciendo *Reg. Epis. Aberd.*
39	24	nobis [penitentiam] recepturi . .	nobis recepturi *Reg. Epis. Aberd.*
40	6	duximus ad[d]endum	duximus admittendum *Reg. Epis. Aberd.*
40	11-2	[Sacramentum Eucharistie non est denegandum parochianis ob non solutionem decimarum aut oblationum suarum .]	There is no rubric to this statute in the *Reg. Epis. Aberd.*
42	9-10	focarie [et] concubine	focarie concubine *Reg. Epis. Aberd.*
42	19	[De teneris infantibus custodiendis .]	There is no rubric to this statute in the *Reg. Epis. Aberd.*, where it stands as part of the immediately preceding statute.
43	9	tenere	tenere . ¶ Explicit . *Reg. Epis. Aberd.*, where immediately follows the 'Forma excommunicationis,' here printed at pp. 5, 6. With this the *Reg. Epis. Aberd.* ends.
44	1	[De decimis minutis .] . . .	There is no rubric to this statute in the *Lambeth MS.*
44	3	intesti[nis]	intesti . *Lambeth MS.*

Page	line		
44	8	[De mortuariis .]	There is no rubric to this statute in the *Lambeth MS.*
44	16	pecul[i]o	peculo *Lambeth MS.*
44	23-5	¶ Nota si unus homo in duabus parochiis moratur *etc.*	In the *Lambeth MS.* this clause stands as part of the canon ' De eodem,' p. 19.
45	1	[De cereo Paschali .]	
45	7	[De confessione mulierum gravidarum .]	
45	11	[De Eucharistia et visitatione infirmorum .]	
46	1	[De choro non intrando et de cemeteriis .]	There are no rubrics to these statutes in the *Lambeth MS.*
46	7	[De refugiis .]	
46	11	[Que beneficia rectoribus sunt solvenda .]	
46	14	[Que amerciamenta personis ecclesiasticis sunt solvenda .]	
46	16	[h]ujus	cujus *Lambeth MS.*
47	1	[De decimis pandaxatorum .]	
47	4	[De decimis pullorum .]	
47	7	[De mortuariis et bonis defuncti ab intestato .]	There are no rubrics to these statutes in the *Lambeth MS.*
48	1-2	[Par penitentia ei indicitur qui spiritualem filiam et penitentialem suam violare monstratur .]	
48	3-4	quos [vel] nobis	quos nobis *Lambeth MS.*
48	6	unumque[m]que	unumqueque *Lambeth MS.*
48	6	[u]t nullus	et nullus *Lambeth MS.*
48	6-7	su[a]m penitentiale[m]	suum penitentiale *Lambeth MS.*
48	7	qu[ia] scriptum est	quod scriptum est *Lambeth MS.*
48	8	ita nostri	ista nostri *Lambeth MS.*
48	8	ut [in] baptismate	ut baptismate *Lambeth MS.*
48	9	perpetrav[er]it	perpetravit *Lambeth MS.*
48	11	[De eodem .]	There is no rubric to this statute in the *Lambeth MS.*
48	12-3	filia sua [spirituali] fornicatus .	filia sua fornicatus *Lambeth MS.*
48	13-4	Idcirco [si] femina sit laica [omnia] relinquat	Idcirco femina sit laica anima relinquat *Lambeth MS.*
48	19	[De eodem .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
48	20	commis[ceri]	commissere *Lambeth MS.*
49	1	in consciencia[m]	in consciencia *Lambeth MS.*
49	3	[Quod laici domos vel bona personarum ecclesiasticarum non occupent .]	There is no rubric to this statute in the *Lambeth MS.*

Page	line		
49	13	con[niv]entibus	conuenientibus *Lambeth MS.*
49	13	qu[i]ni[mmo]	quoniam *Lambeth MS.*
49	16	nunc [precipimus] ac inhibemus	nunc ac inhibemus *Lambeth MS.*
49	18	Reg[e] et liber[is] suis	Regi et libere suis *Lambeth MS.*
50	6	etiam [hujusmodi] statutum	etiam statutum *Lambeth MS.*
50	13	[De clericis alienigenis .]	There is no rubric to this statute in the *Lambeth MS.*
50	15	fueri[n]t	fuerit *Lambeth MS.*
50	15	portaveri[n]t	portaverit *Lambeth MS.*
50	17	[nec] tantum	si tantum *Lambeth MS.*
50	20	animarum . [et] Diocesanis	animarum Diocesanis *Lambeth MS.*
50	23	[De capellanis .]	There is no rubric to this statute in the *Lambeth MS.*
50	26	centum [solidos]	centum marcas *Lambeth MS.*
51	5	nullatenus inhibemus . Si vero	nullatenus . Inhibemus si vero *Lambeth MS.*
51	9	[De decimis minutis .]	There is no rubric to this statute in the *Lambeth MS.*
51	10	Nota quod [tam] in decimis	Nota quod in decimis *Lambeth MS.*
51	16	et [in] decimatione	et et'a decimatione *Lambeth MS.*
51	17	sed [de] tempore	sed tempore *Lambeth MS.*
51	19	[De vita et honestate clericorum .]	There is no rubric to this statute in the *Lambeth MS.*
51	21	panni crisma[le]s	panni crismatis *Lambeth MS.*
51	23	intenda[n]t	intendat *Lambeth MS.*
51	24-5	quod non [sint] uxorati .	quod non uxorati *Lambeth MS.*
51	25	frequent[e]nt	frequentant *Lambeth MS.*
52	1	negociatores [non] sint	negociatores sint *Lambeth MS.*
52	1-2	dent [ecclesias] ad firmam	dent ad firmam *Lambeth MS.*
52	2	quod non [sint] vicecomites	quod non vicecomites *Lambeth MS.*
52	3-4	ut p[ercipi]ant an[nu]alia [vel] triennalia .	ut pascant animalia t'tennalia . *Lambeth MS.*
52	5	quod [laicis] non dentur	quod non dentur *Lambeth MS.*
52	7	[con]vertantur	revertantur *Lambeth MS.*
52	9	aleas vel taxill[o]s .	alias vel taxillas *Lambeth MS.*
52	14	sacramenta [et] sacramentalia	sacramenta sacramentalia *Lambeth MS.*
52	15	quod [beneficiati] ordinentur	quod ordinentur *Lambeth MS.*
52	18	celebr[e]nt	celebrant *Lambeth MS.*
52	20-1	quod ludi in quibus [decertatur ad bravium assequendum] prohibeantur .	quod ludi in quibus prohibeantur jocales . *Lambeth MS.*
53	1	circa statu[m] ecclesiarum	circa statuta ecelesiarum *Lambeth MS.*
53	2	instructionem [curam] pervigilem	instructionem pervigilem *Lambeth MS.*
53	3	ration[em]	rationabile *Lambeth MS.*
53	7	[Quod cimiteria claudantur .]	There is no rubric to this statute in the *Lambeth MS.*
53	8	Circa statu[m]	Circa statuta *Lambeth MS.*

Page	line		
53	8-9	statuimus [ut] cimiteria . . .	statuimus in cimiteria *Lambeth MS.*
53	9-10	brutis [animalibus] pateat . . .	brutis pateat *Lambeth MS.*
53	11	sunt [Deo] de[dic]ata	sunt declarata . . . . . *Lambeth MS.*
53	12	[De cimiteriis claudendis et ecclesiis reparandis et ornandis .]	There is no rubric to this statute in the *Lambeth MS.*
53	16	tecte s[i]nt	tecte sunt *Lambeth MS.*
53	16	pariet[e]s integri	parietis integri *Lambeth MS.*
53	17	sunt [per rectorem] reficiende . .	sunt reficiende *Lambeth MS.*
53	18	Item quod clerici	Item quod quidem clerici *Lambeth MS.*
53	21	sufficiens [est] sacerdoti . . .	sufficiens sacerdoti *Lambeth MS.*
53	24	necessaria [compellantur] rectores	necessaria per rectores *Lambeth MS.*
54	4	convert[a]tur	convertetur . *Lambeth MS.*
54	5	[Crisma Eucharistia et baptizaria sub sera claudantur .] . . .	There is no rubric to this statute in the *Lambeth MS.*
54	10	[e]t [si] per ejus incuriam . . .	ut per ejus incuriam *Lambeth MS.*
54	11	graviori subiciat [ultioni] . . .	graviori subiciat *Lambeth MS.*
54	12	[De visitationibus Archidiaconorum .]	There is no rubric to this statute in the *Lambeth MS.*
54	15	ecclesiarum [per] scripta . . .	ecclesiarum scripta *Lambeth MS.*
54	16	perducant[ur] noticiam	perducant noticiam *Lambeth MS.*
54	17	emend[a]nd a.	emendenda *Lambeth MS.*
54	18	[De vita et honestate clericorum .]	There is no rubric to this statute in the *Lambeth MS.*
54	20	per cerc[ui]tum	per c'centum *Lambeth MS.*
54	22	rugata[s]	rugata *Lambeth MS.*
54	23	[e]t precipue	ut precipue *Lambeth MS.*
54	25	In aleis	In aliis *Lambeth MS.*
55	1	Si tali[bu]s transgressoribus . .	Si talis transgressoribus *Lambeth MS.*
55	3	exhibe[a]tur [audientia] . Presbiteri	exhibetur . Presbiteri *Lambeth MS.*
55	6	vel in [alienis] focarias	vel in o'eus villas focarias *Lambeth MS.*
55	9	tal[ibu]s	tales *Lambeth MS.*
55	11	hospitet [vel] retineat	hospitet retineat *Lambeth MS.*
55	13-4	vt quos timor Dei [a malo] non revocat temporalis pen[a saltem] coarcer[e valeat] a peccato .	vt quos timor Dei non revocat temporalis penitentia coarceri solet a peccato . *Lambeth MS.*
55	15	[De focariis vel concubinis clericorum .]	There is no rubric to this statute in the *Lambeth MS.*
55	17	inventus [et] post	inventus post *Lambeth MS.*
55	20	abs[que] spe	absit spe *Lambeth MS.*
55	22	annorum [penitentiam] infligit .	annorum infligit *Lambeth MS.*
55	24	adicimus qu[od]	adicimus quia *Lambeth MS.*
55	25	ab aliqu[a] ecclesia in oscul[um]	ab aliquo ecclesia in osculo . *Lambeth MS.*
55	29	[e]i	si *Lambeth MS.*
56	1	concubina[m]	concubinas *Lambeth MS.*

Page	line		
56	2	recipiat	percipiet *Lambeth MS.*
56	2-3	nunquam [enim] dimittatur [peccatum] nisi prius deseratur .	nunquam dimittetur nisi prius deseratur . *Lambeth MS.*
56	3	et [hoc] de quolibet	et de quolibet *Lambeth MS.*
56	5	[De celebratione Missarum .] . .	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
56	8	sed [aqua a vino]	sed vinum ab aqua *Lambeth MS.*
56	12-3	et os [non] f[ui]t commi[nu]tum ex eo	et os fiat commic'tum ex eo *Lambeth MS.*
56	14-5	pro[s]tratione	protractione *Lambeth MS.*
56	15	dica[n]tur p[reces] pro [re]missione	dicatur per tria pro amissioue *Lambeth MS.*
56	16	et [orationes] pro [R]ege et Episcopo	et pro lege et Episcopo *Lambeth MS.*
56	21	Ecclesie tue [quesumus Domine] preces etc	Ecclesie tue preces etc. *Lambeth MS.*
56	23	quod non [alicui licet] nisi . .	quod non nulla actio nisi *Lambeth MS.*
56	23-4	facere / vinum	facere quod vinum *Lambeth MS.*
56	25	n[am] per omnem	Non per omnem *Lambeth MS.*
56	26-7	alicui v[a]s[i] mundo	alicui viso modo usu mundo *Lambeth MS.*
56	27	specialiter depu[tat]o	specialiter de publico *Lambeth MS.*
56	29	con[st]iter[it] pr[esen]s fuerit .	confiteris prius fuerit *Lambeth MS.*
57	1	[De eodem .]	There is no rubric to this statute in the *Lambeth MS.*
57	2	nullus [eleu]et	nullus alet *Lambeth MS.*
57	3	Item ne ullus	Item nec ullus *Lambeth MS.*
57	9	[De custodia Eucharistie et visitatione infirmorum .]	There is no rubric to this statute in the *Lambeth MS.*
57	16-7	pixide[m] tener[e]	pixide teneri . *Lambeth MS.*
57	19	re[nov]ari	revocari . *Lambeth MS.*
57	20	[De baptismo et forma baptizandi .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
58	2	ymmo [non] ultima que precedunt inmersione[m]	Ymmo ultimo que precedunt in mersione *Lambeth MS.*
58	3	expedia[n]tur	expediatur *Lambeth MS.*
58	5	iteratum	iteratim *Lambeth MS.*
58	6	[s]et si non	et si non *Lambeth MS.*
58	8	[De penitentia .]	There is no rubric to this statute in the *Lambeth MS.*
58	9	A sacerdote [ad] symoniacam . .	A sacerdote symoniacam *Lambeth MS.*
58	11	parochianum [ad penitentiam] recipiat	parochianum recipiat *Lambeth MS.*
58	13	inde [pro]prius s[acerdos e]i licentiam	unde prius . Sed si licentiam *Lambeth MS.*

Page	line		
58	16	quod	quam *Lambeth MS.*
58	17	Proponat et[iam]	Proponat et *Lambeth MS.*
58	19	[De sepultura .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
58	20	Volumus et[iam] ut	Volumus et ut *Lambeth MS.*
58	21	fuer[i]t	fuerat *Lambeth MS.*
58	24	communicare [debemus .] . . .	communicare *Lambeth MS.*
58	25	[De matrimonio .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
58	26	Matrimonium [inter ignotos] penitus non contrahatur	Matrimonium penitus non contrahatur *Lambeth MS.*
59	2	precesserit [denunciatio] . . .	precesserit *Lambeth MS.*
59	3	[Denunciatio quater in anno in ecclesiis fienda .]	There is no rubric to this statute in the *Lambeth MS.*
59	4-5	anno [Dominicis] diebus . . .	anno diebus *Lambeth MS.*
59	5	solennis	solennibus *Lambeth MS.*
59	12	obtent[u]	obtenta *Lambeth MS.*
59	13	e[x] alicujus amore [vel] precepti	et alicujus amore precepti *Lambeth MS.*
59	14	It[em]	ita *Lambeth MS.*
59	17	fornicarias	fornica'es *Lambeth MS.*
59	21	[De residentia .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
59	24	p[er] quadriennij tempus . . .	pro quadra'nij tempus *Lambeth MS.*
60	1	[Quod matrimonia vel sponsalia sine testibus non contrahantur .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
60	4	[De monachis vel canonicis fugitivis .]	There is no rubric to this statute in the *Lambeth MS.*
60	7-8	ad observantiam regular[u]m [revertantur quibus] ex professione	ab observantiam regularem ex professione *Lambeth MS.*
60	10	hujus [statuti] in hoc	hujus in hoc *Lambeth MS.*
60	11	promulgat[i]	promulgatur *Lambeth MS.*
60	12	Et [ut] ne quis	Et ne quis *Lambeth MS.*
60	14	[Ne religiosi sub certo pretio admittantur .]	There are no rubrics to these statutes in the *Lambeth MS.*, where they stand as part of the immediately preceding statute.
60	17	[Ne clerici officia vel commercia exerceant .]	
60	19	[Ne clerici sententias sanguinis dictent vel scribant .]	
60	20	dic[t]et	dicet *Lambeth MS.*
61	1	[Quod rectores vel resideant vel vicarios presentent .]	There are no rubrics to these statutes in the *Lambeth MS.*, where they stand as part of the immediately preceding statute.
61	4	[De capellanis et diaconis extranee ordinationis .]	

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61	5	ut [nullus] rector	ut rector *Lambeth MS.*
61	6	diaconum servitio	diaconum vel servitio *Lambeth MS.*
61	6	nisi de ejus	nisi ei de ejus *Lambeth MS.*
61	7	conversatione legitime innotescat / et tunc ipsum	conversatione possit constare legitime . Preterea quoniam ex frequenti mutatione sacerdotum multa contingunt / ecclesiis legittime innotescat / et tunc ipsum *Lambeth MS.*
61	8	Officiali[bus]	officiali *Lambeth MS.*
61	13	[De mutatione sacerdotum .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
61	14	quoniam	quia *Lambeth MS.*
61	15	contingunt [dis]pendia et pre[judicia] generantur	contingunt stipendia et prelatis generantur *Lambeth MS.*
61	18	ratione [sit] amovendus	ratione amovendus *Lambeth MS.*
61	19	et [hoc] de	et de *Lambeth MS.*
61	21	[Ne ecclesie vel beneficia tradantur ad firmam .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
62	4	pactionibus [non] observandis	pactionibus observandis *Lambeth MS.*
62	6	[Quod capellani non celebrent nisi prius canonicam faciant obedientiam .]	There is no rubric to this statute in the *Lambeth MS.*
62	9	nostro	nostra *Lambeth MS.*
62	10-1	tenentur [celebrare ad] trigentale	tenentur trigentale *Lambeth MS.*
62	12	[De residentia et ordinatione vicariorum .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
62	13	patre nostro O[thone]	patre nostro O . *Lambeth MS.*
62	15	ex[cusa]tione	executione *Lambeth MS.*
62	16	ordination[e]s susceptur[i]	ordinationis suscepture *Lambeth MS.*
62	18	[De rectoribus .]	There is no rubric to this statute in the *Lambeth MS.*
62	19	soli[ci]tudine	solitudine *Lambeth MS.*
62	21	adept[i]	adepte *Lambeth MS.*
63	1-2	[Quod rectores aut in suis ecclesiis habeant ydoneos sacerdotes aut ipsi ordinentur .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
63	6	[Quod rectores ordinentur .]	There is no rubric to this statute in the *Lambeth MS.*
63	11	[Ubi debent audire confessiones .]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
63	12-4	Preterea ne inter [velum et] altare [mulierum] confessio[n]es audi-	Preterea ne inter . . . altare alterius confessiones audiantur prohibemus sed in alia

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		antur prohibemus sed in alia parte ecclesie [ab audi]entia hominum sed non conspectu remota.	parte ecclesie in presentia hominum sed non conspectu remota. *Lambeth MS.*
63	15	[De promulgatione et observatione constitutionum premissarum.]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
63	17	parochiali [promulgate] et . .	parochiali et *Lambeth MS.*
63	22	anno gratie millesimo [ducentesimo quadragesimo secundo]	anno gratie millesimo etc. *Lambeth MS.* The date is completed from a notice of the synod by John of Fordun. See his Scotichronicon, lib. ix. cap. lviii.
64	2	[Quod rectores habeant Statuta Synodalia.]	There is no rubric to this statute in the *Lambeth MS.*
64	3	[Statuimus] quod	quod *Lambeth MS.*
64	6	hoc [sub] pena	hoc pena *Lambeth MS.*
64	8	[Quod rectores et vicarii in ecclesiis suis residentiam faciant.] .	There are no rubrics to these statutes in the *Lambeth MS.*
64	13	[De mansionibus beneficiatorum.]	
64	15	diocesis receptari	diocesis que receptari *Lambeth MS.*
65	1	[Quod clerici suas focarias seu concubinas a se removeant.]	There is no rubric to this statute in the *Lambeth MS.*
65	9	[Ne aliene ordinationis clerici sine literis dimissoriis admittantur.]	There is no rubric to this statute in the *Lambeth MS.*
65	12	dimissorias	dimissorium *Lambeth MS.*
65	15	levand[ar]um	levandum *Lambeth MS.*
65	16	[Ne religiosus ex conducto celebret sine licentia speciali.]	There is no rubric to this statute in the *Lambeth MS.*
65	21	[Ne quis sacerdos plures Missas in die celebret.]	There is no rubric to this statute in the *Lambeth MS.*, where it stands as part of the immediately preceding statute.
65	22	in[tu]entes	imitentes *Lambeth MS.*
66	1	hoc / [cum] non subsit necessitas /	hoc / non subsit necessitas / *Lambeth MS.*
66	4	[Item de eodem.]	There is no rubric to this statute in the *Lambeth MS.*
66	5	affligenda [qui] dominos . . .	affligenda dominos *Lambeth MS.*
66	7	[De confessionibus clericorum audiendis.]	There is no rubric to this statute in the *Lambeth MS.*
66	9	confess[orem]	confessionem *Lambeth MS.*
66	10	infrascript[o]s	infrascriptis *Lambeth MS.*
66	14	[Quod in ecclesiis numerus debitus clericorum habeatur.]	There is no rubric to this statute in the *Lambeth MS.*
66	15	[Statuimus] etiam	Etiam *Lambeth MS.*
66	16	presbyterorum [et] clericorum .	presbyterorum clericorum *Lambeth MS.*
66	19	[Quod sacerdotes non celebrent in tunicis curtis.]	There is no rubric to this statute in the *Lambeth MS.*
67	1	[Quod rectores et vicarii et presbyteri parochiales habeant sigilla.]	There is no rubric to this statute in the *Lambeth MS.*

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67	5	et [hoc] cuilibet	et cuilibet *Lambeth MS.*
67	7	[Ne sacerdotes deferant longos cultellos qui vocantur *hangaris* .]	
67	10	[Ne beneficia ecclesiastica laicis directe vel indirecte assedentur .]	There are no rubrics to these statutes in the *Lambeth MS.*
67	18	[Ne clerici beneficiati seculares administrationes recipiant .]	
67	19	vic[io]	vicem *Lambeth MS.*
67	21	derogatur . statuendo	derogatur . ¶ Statuendo *Lambeth MS.*
68	6	[Ne nuptie sint benedicte sine bannis .]	There is no rubric to this statute in the *Lambeth MS.*
68	7	nubent[es]	nubent *Lambeth MS.*
68	10	nube[n]t[es]	nubet *Lambeth MS.*
68	14	indempnitate	idempnitate *Lambeth MS.*
68	14-5	invenire [plegium paratos esse .] quod [plegium] canonicum	invenire q' canonicum *Lambeth MS.*
68	15-6	reprobant[es] d[e]cernimus . .	reprobant discernimus *Lambeth MS.*
68	17	s[tat]uti	sicuti *Lambeth MS.*
68	18	verum et[iam]	verum et *Lambeth MS.*
68	22	[Ne sponsalia contrahantur sine sacerdotis et testium presentia .]	There is no rubric to this statute in the *Lambeth MS.*
68	25	adhib[itis . Adici]entes . . .	adhibentes *Lambeth MS.*
69	5	[Ne clerici defamati ad laicos pro auxilio recurrant .]	There is no rubric to this statute in the *Lambeth MS.*
69	7	fam[e] su[e] prodigi et [honoris] proprii	famam sui prodigi et proprii *Lambeth MS.*
69	9	qui	quia *Lambeth MS.*
69	10	et maxime	maxime et *Lambeth MS.*
69	14	[hoc] de cetero	et de cetero *Lambeth MS.*
69	18	[Ne excommunicati ad ecclesiasticam sepulturam admittantur .]	There is no rubric to this statute in the *Lambeth MS.*
69	21	alium [aliquem] apud	alium apud *Lambeth MS.*
69	23	ecclesiasticam [sepulturam] admittere	ecclesiasticam admittere *Lambeth MS.*
70	1	[De Consistorio semel in anno tenendo .]	There is no rubric to this statute in the *Lambeth MS.*
70	6	de archidiaconatu [Sancti Andree] in	de archidiaconatu in *Lambeth MS.*
70	14-5	[Nomina que correctione indigent in singulis parochiis Episcopo singulis annis in Consistorio suo reportanda .]	There are no rubrics to these statutes in the *Lambeth MS.*
70	22-3	[Nomina omnium decedentium in singulis parochiis Episcopo singulis annis in Consistorio suo reportanda .]	

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71	5	executores [si que] defecerint .	executores defecerint *Lambeth MS.*
71	7	viginti [solidis] /	viginti / *Lambeth MS.*
71	9	legittime [constat] multetur . .	legittime multetur *Lambeth MS.*
71	12	[De obediencia clericorum .] . .	There is no rubic to this statute in the *Lambeth MS.*
71	13	melior [est] obedientia	melior obedientia *Lambeth MS.*
71	14	[peccato] ariolandi	spectat ariolandi *Lambeth MS.*
71	14	comp[a]rantur	comperantur *Lambeth MS.*
71	18	[Excommunicatio generalis .] . .	There is no rubric to this statute in the *Lambeth MS.*
71	19	ecclesia[s]	ecclesiam *Lambeth MS.*
71	20	a[ut] per maliciam [libertates] e[a]rundem	ac per maliciam eorundem *Lambeth MS.*
71	21	incend[i]arios	incendarios *Lambeth MS.*
72	1-2	scandalum [alicui] imponunt . .	scandalum imponunt *Lambeth MS.*
72	7	ecclesia [vel] munimine . . .	ecclesia munimine *Lambeth MS.*
72	9-10	excommunicato [vel] scienter facien[tes] ei [auxilium .]	excommunicato / scienter faciendo ei *Lambeth MS.*
72	17	ecclesie	ecclesie . ¶ Expliciunt statuta ecclesiastica etc . *Lambeth MS.*, which here ends.
73	17-8	quoscunque [ludos] inhonestos .	quoscunque inhonestos *Ethy MS.*
74	1	[Qui dies debeant a clero et a populo obseruari ab opere seruili .]	There is no rubric to this list of festivals and fasts in the *Liber Sancti Terrenani ecclesie de Arbuthnot MS.*
77	9	a[c] sermonem	ad sermonem *Reg. Epis. Brechin.*
77	13	Dun[kelde]nsi	Dunblanensi *Reg. Epis. Brechin.*
79	1-2	[Declaracio veteris consuetudinis Regie in presentacionibus beneficiorum sedibus vacantibus .]	There is no rubric to this declaration in the *Acts of the Parliaments of Scotland.*
79	20	decuit [annuentes] super . . .	decuit super *Act. Parl. Scot.*
79	27	patron[at]um	patronum *Act. Parl. Scot.*
81	1-2	Concilium Provinciale, per Prælatos et clerum regni Scotiæ, apud Edinburgum, factum anno Domini 1549 .	Consilium prouinciale per prelatos et Clerum regni Scotie factum anno 1549 . *Fragmentum in Publicis Archivis Scotiae MS.* Concilium provinciale apud Linlythquho et Edinburghum sequitur 1549 et 1551 . *Codex Baluzian.*
81	12	pastoralibus	pastoribus *Cod. Baluz.*
81	16	ut [de] opportunis	ut opportunis *Cod. Baluz.*
81	17	Et cum [duæ] potissimum . .	Et quinque hæc potissimum *Cod. Baluz.*
81	18	turbas et hæresium	turbas hæresium *Cod. Baluz.*
81	19-20	vitæ profana	vitæ queis profana *Cod. Baluz.*
81	20	cum	tum *Cod. Baluz.*
81	23	statuit	statim *Cod. Baluz.* prima manu.
82	5	reverendorum	reverendissimorum *Cod. Baluz.*
82	12	nato, [et] monasterii	nato, monasterii *Cod. Baluz.*

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82	14-6	Nomina Episcoporum, Vicariorum Generalium sedium vacantium, Abbatum, Priorum, Commendatariorum, Doctorum, Licentiatorum et Bacchalariorum in Theologia .	This is the rubric in the *Frag. in Pub. Arch. Scot.* It is wanting in the *Cod. Baluz.*
82	19	a Scona	Ascona . *Cod. Baluz.*
82	22	Orchadensis	Rochadensis *Cod. Baluz.* prim. man.
82	22	Kinlos	Hinlau . *Cod. Baluz.* prim. man.
82	25	Gavinus Hamiltoune	Sabinus Hermiltrane *Cod. Baluz.* prim. man. Garinus Hamilton *Cod. Baluz.*
82	27	He[pburn]	Herveus *Cod. Baluz.*
83	3	Melros	Mclech *Cod. Baluz.*
83	6	Malcolmus	Marolinus *Cod. Baluz.*
83	9	Galterius	Salterius *Cod. Baluz.*
83	10	Alexander	Acca'er *Cod. Baluz.*
83	11	Willelmus	Vuihelmus *Cod. Baluz.*
83	11	Culros	Eulorsy *Cod. Baluz.*
83	12	Neubottle	Membattile *Cod. Baluz.*
83	13	Dundrannan	Dinudeciant *Cod. Baluz.*
83	14	[Robertus] abbas de Deir . . .	Abbas de Deir *Cod. Baluz.*
83	15	Muny[musk]	Mungster *Cod. Baluz.*
83	20	Gryson	Gresoin *Cod. Baluz.* prim. man.
83	21	Winram	Woinean *Cod. Baluz.* prim. man.
83	24	Liech	Lieu *Cod. Baluz.* prim. man. Lieck *Cod. Baluz.*
83	25	S[etoun]	Scypuy *Cod. Baluz.*
83	27-8	Aberdonensis Universitatis supprimarius	Abe'ms Universitatis sup'matus *Cod. Baluz.*
83	29	Dick	Dilz *Cod. Baluz.* prim. man.
84	2	Balfour	Balfomeæ *Cod. Baluz.* prim. man.
84	4	Nomina Religiosorum, et Secularium Beneficiatorum, ac Notarij .	This is the rubric in the *Frag. in Pub. Arch. Scot.* It is wanting in the *Cod. Baluz.*
84	6	G[re]souin	Gersouin *Cod. Baluz.*
84	8	Abircromby	Abieconby *Cod. Baluz.* prim. man. Abircombry *Cod. Baluz.*
84	12	Winchester	Vuænchester *Cod. Baluz.* prim. man.
84	18	[Seculares Beneficiati .] . . .	This rubric is supplied.
84	21	Creichtoun	Veithomy *Cod. Baluz.*
84	22	Archi[diaconatum Laudoniæ] .	archiepiscopi Pauerum *Cod. Baluz.*
84	23	Hamiltoune	Hamulzun *Cod. Baluz.* prim. man.
84	25	G[eorg]ius	Gregorius *Cod. Baluz.*
85	1	Conveth	Conveis *Cod. Baluz.*
85	4	Georgius Cryghton	Cerigius Cleypt'· *Cod. Baluz.* prim. man.
85	8	Boy[d], præpositus de Dal[keth]	Boyn præpositus de Dalzeug *Cod. Baluz.*
85	9	F[o]rret, præpositus de F[ou]lis	Ferret, præpositus de Fidolis *Cod. Baluz.*

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85	10	Macca[w]	M'Cale *Cod. Baluz.*
85	11	Aber[don]ensis	Abererven' *Cod. Baluz.*
85	12	Ro[ss]	Roch *Cod. Baluz.*
85	14	Cur[r]ye	Curoye *Cod. Baluz.*
85	16	Macquin	M'quis *Cod. Baluz.*
85	20	Edinburg[ens]i	Edimburgi *Cod. Baluz.*
85	23	finita	functa *Cod. Baluz.*
85	26	fuit [concio] per............endum eruditissimum	fuit per Bre'nguendum eruditissimum *Cod. Baluz.*
86	1-2	Brevis praefatio hujusmodi Concilii Provincialis : approbatio statutorum editorum apud Linlithquo.	Breuis prefatio huiusmodi Consilii Provincialis *Lib. S. Katerine Senensis.* Approbacio statutorum editorum apud Linlithquo *Frag. in Pub. Archiv. Scot.* Both rubric and statute are wanting in the *Cod. Baluz.*
86	5	celebrato	celebrata *Lib. S. Katerine Senensis.*
86	7	innotescant	innotescunt *Lib. S. Katerine Senensis.*
86	8	fecit	facta *Lib. S. Katerine Senensis.*
86	8	ut quae	vtque *Lib. S. Katerine Senensis.*
86	9	jussa	missa *Lib. S. Katerine Senensis.*
86	11	ut sequuntur.	vt sequentur. ¶ A . Forrester, secretarius ac publicator huiusmodi statutorum Consilii Prouincialis attestor manuali mea subscriptione *Lib. S. Katerine Senensis.*
86	12-3	Sequuntur acta ordinata in praesent Concilio et ejus diversis sessionibus, et in primis circa reformationem morum.	This rubric is wanting in the *Frag. in Pub. Archiv. Scot.*
86	14	De incontinentia ecclesiasticorum, et concubinarijs.	De incontinentia ecclesiasticorum. *Cod. Baluz.*
86	17	repurganda	repugnanda *Cod. Baluz.*
86	20	Basiliensis generalis Synodus . .	Synodus qualis Basiliensis *Cod. Baluz.*
86	22	cujuscumque	cujusque *Cod. Baluz.*
86	26	fuerit publicus	publicus fuerit *Cod. Baluz.*
87	4	mouere teneatur	teneatur movere *Cod. Baluz.*
87	9-10	dispensatum, [ad susceptionem] quorumcunque [bonorum,] dignitatum	dispensatum, quarumcunque dignitatum *Cod. Baluz.*
87	13	De pœna Ordinarij negligentis ; et qui publici concubinarij.	This rubric is wanting in the *Cod. Baluz.*, where the statute stands as part of the immediately preceding statute.
87	17-8	diffamatos, [etiam] per	diffamatos per *Cod. Baluz.*
87	22	Ea[dem]	eaque *Cod. Baluz.*
87	24	permansuris	permanserunt *Cod. Baluz.*
87	26	seu	sed *Cod. Baluz.*
87	27	sed	et *Cod. Baluz.*

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87	28	in praesenti	inspicati *Cod. Baluz.*
88	5	Pœna pecuniaria non exigenda pro delictis.	This rubric is wanting in the *Cod. Baluz.*, where the statute stands as part of the immediately preceding statute.
88	6	Quia vero [in quibusdam regionibus] nonnulli	Quia vero nonnulli *Cod. Baluz.*
88	13	arce[re]	arcendas *Cod. Baluz.*
88	14	cohabita[re]	cohabitationem *Cod. Baluz.*
88	16	suos [subditos] ad	suos ad *Cod. Baluz.*
88	17	[moneat] diligenter	diligenter hortetur *Cod. Baluz.*
88	17	Injung[a]t	Injungit *Cod. Baluz.*
88	20	fornicationis	fornicatio *Cod. Baluz.*
88	22	ut similiter	et similiter *Cod. Baluz.*
88	23	[et] ad	si ad *Cod. Baluz.*
88	24	acced[i]t	accedat *Cod. Baluz.*
88	28	statuit	statim *Cod. Baluz.*
89	10	alienave	alienare *Cod. Baluz.*
90	1	Super quibus per	sub quibus vel *Cod. Baluz.*
90	4	puniantur	puniatis *Cod. Baluz.*
90	5	deficiant	deferent *Cod. Baluz.*
90	8	Contra nutrientes	Circa nutrientes *Cod. Baluz.*
90	14	tondendas	tundendas *Cod. Baluz.*
91	1	Lectio Divinarum literarum in mensa.	This rubric is wanting in the *Cod Baluz.*, where the statute stands as part of the immediately preceding statute.
91	3	Scripturarum [fieri], juxta . .	Scripturarum juxta *Cod. Baluz.*
91	4	[id]	ad *Cod. Baluz.*
91	6	enim [et] animae	enim animae *Cod. Baluz.*
91	8	De gravitate habituum clericorum.	This rubric is wanting in the *Frag. in Pub. Archiv. Scot.*
91	22	De visitationibus monasteriorum, et inquisitione contra exemptos.	De visitationibus monasteriorum. *Cod. Baluz.*
91	23	Ordinarii	ordinariorum *Cod. Baluz.*
92	3	ut qui quid	ut quidem *Cod. Baluz.*
92	20	De apostatis revocandis	De appostatis reuocandis et monialibus appostatis similiter *Frag. in Pub. Archiv. Scot.*, where one rubric serves for this and the immediately following statute.
92	24	qui extra	qui se extra *Cod. Baluz.*
93	1	De monialibus apostatis similiter revocandis.	De monialibus apostatis revocandis *Cod. Baluz.* De appostatis reuocandis et monialibus appostatis similiter. *Frag. in Pub. Archiv. Scot.*, where one rubric serves for this and the immediately preceding statute.
93	4	respective	reverendissimi *Cod. Baluz.*

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93	9	[exhortationibus]	ordinationis *Cod. Baluz.*
93	12	c[i]tissime	certissime *Cod. Baluz.*
93	14	ordin[a]t	ordinet *Cod. Baluz.*
93	24	quod	qui *Cod. Baluz.*
94	3	arbitrariis	arbitrationis *Cod. Baluz.*
94	6	De glebis ecclesiasticis non dandis in feodum vel emphiteosim .	De glebis ecclesiae non dandis in feodum vel emphiteosim . *Cod. Baluz.* Copia statuti de glebis ecclesiasticis non dando in feodum vel emphiteosim, de data vicesimo quarto mensis Maii 1555 *Liber S. Katerine Senensis.*
94	7	Ne non residentia	Ne residentia *Cod. Baluz.* and *Lib. S. Katerine Senensis.*
94	7-8	et praebendariorum in animarum curis et sacramentis	et in animarum curis et sacramentis *Cod. Baluz.* et prebendariorum curis, et sacramenta *Lib. S. Katerine Senensis.*
94	8	ecclesiae ministrantium, administrationes negligantur	ecclesiae administratio negligatur *Cod. Baluz.*
94	11	aliquarum	aligicarum *Cod. Baluz.*
94	12	nisi prius bonis	nisi bonis *Lib. S. Katerine Senensis.* nisi bonis prius *Cod. Baluz.*
94	12-5	causis in Generali aut Prouinciali Concilio seu Synodo capitulariter tractatis, ac in earundem ecclesiarum vtilitatem vergentibus, nec solum in particulare commodum ipsorum possessorum, sed etiam pro perpetuo suorum successorum : alias ne tales	causis tractatis et ne tales *Cod. Baluz.*
94	17	vel authorisentur	dolo authorizentur *Lib. S. Katerine Senensis.*
94	19	pontificales	principales *Lib. S. Katerine Senensis.*
94	20	praebendarum, et rectoriarum .	et praebendarum, rectoriarum *Cod. Baluz.* et praebendarum rectorialium *Lib. S. Katerine Senensis.*
94	20-1	abbatialibus separatis	abbatibus separatarum *Lib. S. Katerine Senensis.*
94	21	proximam	propriam *Lib. S. Katerine Senensis.*
94	24	authorisent	authorizanto *Lib. S. Katerine Senensis.*
94	25	qui contra praemissa	qui praemissa *Cod. Baluz.*
94	26	audiantur etc.	audiantur *Cod. Baluz.* audiantur, etc. ¶ Extractum de Libro Registri Statutorum Archiepiscopatus Sancti Andree, per me Magistrum Alexandrum Forrester, custodem et secretarium eiusdem, mandato publicantem huiusmodi actum in

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			diuersis Synodis, copiaque Decanis singulis exhibita pro publicatione in eorum capitulis, ut testor manuali subscriptione *Lib. S. Katerine Senensis.*
95	1-2	Circa neglectae doctrinae reformationem, Divinique verbi ministerium; et de Theologo in qualibet ecclesia.	Circa neglectae doctrinae reformationem, divinique verbi ministerium. *Cod. Baluz.*
95	3-4	[in] sessione qu[in]ta	sessione quarta *Cod. Baluz.*
95	5	ut quilibet	et quilibet *Cod. Baluz.*
95	8-9	praedicationes, [quae] per alios ad id admissos	praedicationes per alios ad id admittens *Cod. Baluz.*
95	13	asciscant	affiscant *Cod. Baluz.*
95	15	[Concili]orum	virorum *Cod. Baluz.*
95	18	seu ali[ud]	seu alio *Cod. Baluz.*
95	19	Episcopi	ipsi Episcopi *Cod. Baluz.*
95	22-3	idoneum [substitutum], ab [ip]sis	idoneum ab his *Cod. Baluz.*
95	25	[aut]	seu *Cod. Baluz.*
95	25	et qu[ae]	et qui *Cod. Baluz.*
95	26	[id mun]us	melius *Cod. Baluz.*
95	27	fact[a]	factum *Cod. Baluz.*
95	28	[vel]	seu *Cod. Baluz.*
95	28-9	existentibus in ali[qu]o . . .	existentibus in alio *Cod. Baluz.*
95	29	[si i]bi	ubi *Cod. Baluz.*
96	1	[hu]jusmodi	ejusmodi *Cod. Baluz.*
96	2	qu[omodo]cumque	quæcumque *Cod. Baluz.*
96	3	onus	omne *Cod. Baluz.*
96	3	in[junctu]m	interim *Cod. Baluz.*
96	4	constituta et deputata	constitutum et deputatum *Cod. Baluz.*
96	9	[ut]	quod *Cod. Baluz.*
96	12	De Magistro Grammatices . . .	This rubric is wanting in the *Cod. Baluz.*, where the statute to which it is prefixed stands as part of the immediately preceding statute.
96	14-5	possit, [saltem] magist[rum] habea[nt]	possit, ludimagister habeatur *Cod. Baluz.*
		[cum] consilio capituli eligendum	capituli consilio eligendus *Cod. Baluz.*
96	16-7	ad [ipsa] Sacræ	ad Sacræ *Cod. Baluz.*
96	17	a[nnue]nte	adjuvante *Cod. Baluz.*
96	18	[vel] alicujus	alicujus *Cod. Baluz.*
96	20	obsequio : vel	vel obsequio *Cod. Baluz.*
96	21	alias	alius *Cod. Baluz.*
96	22	suae	sive *Cod. Baluz.*
96	25	Episcopi [locorum] in	Episcopi in *Cod. Baluz.*
96	26	eos	eorum *Cod. Baluz.*
96	28	[similiter] habeatur	habeatur *Cod. Buluz.*
97	1	[etiam]	autem *Cod. Baluz.*

Page	line		
97	1	et ceterorum	exterorum *Cod. Baluz.*
97	1	maxime	maxima *Cod. Baluz.*
97	2	religios[issim]orum	religiosorum *Cod. Baluz.*
97	4	sa[n]æque	sacræque *Cod. Baluz.*
97	5	negligeretur	negligentia *Cod. Baluz.*
97	5	restituatur	restituatur, et ne sub pietatis specie impietas disseminaretur *Cod. Baluz.*
97	7	Et, ne sub specie pietatis impietas disseminetur, statuit	Statuit *Cod. Baluz.*
97	9	de vita	debita *Cod. Baluz.*
97	10	et [ap]probatus [non] fuerit . .	et probatus fuerit *Cod. Baluz.*
97	13	Docentes	Decens *Cod. Baluz.*
97	14	scholares	seculares *Cod. Baluz.*
97	15-6	jure [communi] concessis . . .	jure concessis *Cod. Baluz.*
97	17	De prædicatione verbi Dei populo.	This rubric in the *Cod. Baluz.* is interjected between 'districtæ subjaceat ultioni,' the last words on p. 97, and 'Archipresbyteri quoque,' the first words on p. 98.
97	21	[im]pediti	præpediti *Cod. Baluz.*
97	23	præ[dic]tos	prælatos *Cod. Baluz.*
97	25	ultioni	vetioni *Cod. Baluz.*
98	1	Archipresbyteri	Archiepiscopi *Cod. Baluz.*
98	1	alias	alios *Cod. Baluz.*
98	6	fac[ili]tate	facultate *Cod. Baluz.*
98	6	ut	et *Cod. Baluz.*
98	7-8	si quis [eorum] præstare . . .	si quis præstare *Cod. Baluz.*
98	9	dic[ere]ntur	dicantur *Cod. Baluz.*
98	11	pastoralis[Episcoporum]sollicitudo	pastoralis sollicitudo *Cod. Baluz.*
98	16	resipiscens	resipiens *Cod. Baluz.*
98	17	Si [quæ] vero	Si vero *Cod. Baluz.*
98	18	præ[dict]is	præmissis *Cod. Baluz.*
98	20	delegatis	delegatus *Cod. Baluz.*
98	21	[aut] reclamatio	vel reclamatio *Cod. Baluz.*
98	22	summarie	summaria *Cod. Baluz.*
98	23	cognitum et decisum [fuerit] . .	cognitum sit et decisum *Cod. Baluz.*
98	25	ordinum	civium *Cod. Baluz.*
98	26	episcopis	ipsis *Cod. Baluz.*
98	29	ecclesiis [non] suorum	ecclesiis suorum *Cod. Baluz.*
98	30	ipsam autem [licentiam] gratis .	ipsam autem gratis *Cod. Baluz.*
99	4	secundum juris	secundum seculi *Cod. Baluz.*
99	5	[aut] loci	ac loci *Cod. Baluz.*
99	6	quo casu [Episcopus]	quo casu *Cod. Baluz.*
99	7	[et] tanquam Sedis	tanquam et Sedis *Cod. Baluz.*
99	8	vel [alias] calumniose	vel calumniose *Cod. Baluz.*
99	9	justam[ve]	ne justam *Cod. Baluz.*
99	10	sint nomine	nomine sunt *Cod. Baluz.*

Page	line		
99	11	nisi ipsis	nisi ipsi *Cod. Baluz.*
99	12	[atque] doctrina	ac doctriua *Cod. Baluz.*
99	12	[etiam] quorumlibet	quorumlibet *Cod. Baluz.*
99	13	permittant	permittautur *Cod. Baluz.*
99	15	expresso mendacio	expresse mandatio *Cod. Baluz.*
99	15	extorqueri	retorquere *Cod. Baluz.*
99	16	[De Quæstoribus eleemosynariis.]	This rubric is wanting as well in the *Frag. in Pub. Archiv. Scot.* as in the *Cod. Baluz.*, where the statute to which it is prefixed stands as part of the preceding statute.
99	17	vulgo	vulgi *Cod. Baluz.*
99	18	[nullo modo] nec per se . . .	nec per se *Cod. Baluz.*
99	18	prædicare	nllo modo prædicare *Cod. Baluz.*
99	20	arceantur	vereantur *Cod. Baluz.*
99	21	anno per se prædicent	anno prædicent *Cod. Baluz.*
99	22	prædicationibus	prædicatoribus *Cod. Baluz.*
100	1	prædicatoribus	prædicationis *Cod. Baluz.*
100	2	juvencs et inidonei	juvenes et idonei *Cod. Baluz.*
100	4-5	suis sumptibus de licentia Ordinariorum	suis simplicibus deliren' ordinaria *Cod. Baluz.*
100	6	implere [faciant]	implere debeant *Cod. Baluz.*
100	8	et hoc [ultra] communes . . .	et hoc ut sup . . . . . *Cod. Baluz.*
100	11	in co[mmun]iis	in conviviis *Cod. Baluz.*
100	15-6	Prioriss[as]	Priorissæ *Cod. Baluz.*
100	16	Archiepiscopo Sancti Andreæ [subjectas]	Archiepiscopo Sancti Andreæ *Cod. Baluz.*
100	18	et [aliis] statutis desuper editis, ad idem teneri decrevit], quæ .	et statutis desuper editis quod *Cod. Baluz.*
100	19	inseri	infra *Cod. Baluz.*
100	19	decretum est.	decretum est et decrevit. *Cod. Baluz.*
100	22	insequens	in se quos *Cod. Baluz.*
100	29	quam [in]	quam *Cod. Baluz.*
101	1-2	cu[i] interpretanti et prædicanti civitati[s] illius Episcop[us] et canonici interesse vol[entes] inter[sin]t.	cum interpretanti et prædicanti in civitatibus illius Episcopi et canonici et interesse voluntas interfuit. *Cod. Baluz.*
101	4	intersint	intersunt *Cod. Baluz.*
101	5	quilibet Ordinarius	Guillelmus Orch'us *Cod. Baluz.*
101	11	die [vicesimo nono] mense Septembris	die mense septimo *Cod. Baluz.*
101	12	Provisum est [quoque]	Provisum est *Cod. Baluz.*
101	15-6	sustentabit [præfatos Theologum et Canonistam] ad ratam et quantitatem dictarum summarum	sustentabunt ad ratam et quantitatem dictarum summationum *Cod. Baluz.*
101	17	unus sit	sit unus *Cod. Baluz.*
101	19	[in monasteriis], ut olim et interdum	ut olim et innitendum *Cod. Baluz.*
101	25	prædicet	prædicent *Cod. Baluz.*

Page	line		
101	26	pro [eorum]	pro ecclesiæ *Cod. Baluz.*
101	29	eundem	ejusdem *Cod. Baluz.*
102	6	De quibus monasteriis quot ad literarum studia emittendi sunt	This rubric is wanting in the *Cod. Baluz.*, where the statute to which it is prefixed stands as part of the immediately preceding statute.
102	7	ut [in]	ut *Cod. Baluz.*
102	8	et in	in *Cod. Baluz.*
102	13	remansuri	remansurus *Cod. Baluz.*
102	16	causa	tam *Cod. Baluz.*
102	17	[religiosi] juxta	juxta *Cod. Baluz.*
102	17	vires	vices *Cod. Baluz.*
102	21	Abirbrothok	Abirberthos *Cod. Baluz.* prim. man.
102	25	Cu[pro]	Cuy *Cod. Baluz.*
102	26	Cambus[kyneth]	Cambustzymie *Cod. Baluz.*
103	1	Lundo[ris]	Lundoze *Cod. Baluz.*
103	2	Bal[mer]ino	Balermo *Cod. Baluz.*
103	4	Petty[nw]eyme	Pettyreyne *Cod. Baluz.*
103	5	D[r]ybru[gh]	Deybru *Cod. Baluz.*
103	6-7	Ex monasterio sive prior[iss]atu de Northber[wick], ... secularis 1.	Ex monasterio sive prioratu de Northberbitz . . . . . 1.
		Ex prior[iss]atu de Hadington, ... 1.	Ex prioratu de Hadington seculari, ... 1. *Cod. Baluz.*
103	9	Ex monasterio de Pasleto . . . . religiosi 2.	Ex monasterio de Pasleto 2. *Cod. Baluz.*
103	10	Mel[ros]	Melorso. *Cod. Baluz.*
103	11	[K]il[w]yn[ing]	Hileryndy *Cod. Baluz.*
103	13	J[e]d[burg]	Jidbon *Cod. Baluz.*
103	14	Ex [monasterio de] Halywoode .	Ex Halywoode *Cod. Baluz.*
103	19	Ex [monasterio de] Dundranan .	Ex Dunidranen *Cod. Baluz.*
103	20	Ex [monasterio de] Tungland .	Ex Trungland *Cod. Baluz.*
104	2	Ex [monasterio de] Inchesaffray .	Inchesaffcay *Cod. Baluz.*
104	3	[Ex monasterio de] Culross . .	Culross *Cod. Baluz.*
104	4	[Ex monasterio de] Inchemahomo	Inchemahomo *Cod. Baluz.*
104	6	Sancti Columbæ [Insulæ], . . . [1].	Sanctæ Columbæ *Cod. Baluz.*
104	8	De methodo et forma prædicationum	Modus et forma in predicando obseruanda *Frag. in Archiv. Pub. Scot.*
104	10	presentem hanc	pereant hac *Cod. Baluz.*
104	11	ut in	et in *Cod. Baluz.*
104	22	observanda	servanda *Cod. Baluz.*
104	24	doctrinæ utili	doctrinam utilem *Cod. Baluz.*
105	2-3	collegiis [ita Scripturis et] Theologiæ vacent [ut aliqui] Scripturas	collegiis vacent theologiæ Scripturas *Cod. Baluz.*
105	5	[Theologiæ] diversis	diversis *Cod. Baluz.*
105	6	[legendæ] incumbant	incumbant *Cod. Baluz.*
105	6-7	ut taliter studentes	et taliter ut studentes *Cod. Baluz.*

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105	7	Scripturis [et] speculativis . .	Scripturis speculativis *Cod. Baluz.*
105	8-9	aliter	alter *Cod. Baluz.*
105	11	quantum ad speculat[iva]m [Theologiam]	quod tum ad speculatum *Cod. Baluz.*
105	14	observandus	servandus *Cod. Baluz.*
105	14	Dialect[ic]es	Dialectes *Cod. Baluz.* Dialatices *Frag. in Archiv. Pub. Scot.*
105	17	Dialectices	Dialecticas *Cod. Baluz.*
105	24	Grammaticis [versatus] . . .	Grammaticis *Cod. Baluz.*
106	6	literis [et] moribus	literis moribus *Cod. Baluz.*
106	8	ac titulum	ad titulum *Cod. Baluz.*
106	12	altari	in altari *Cod. Baluz.*
106	12	[se] immisceant, [et]	immisceant *Cod. Baluz.*
106	13	[ad id] commissos	commissos *Cod. Baluz.*
106	14-5	competentis [idonei comperiantur]	competentis *Cod. Baluz.*
106	15	permittantur	permittatur *Cod. Baluz.*
106	22	quam [in] aliis	quam aliis *Cod Baluz.*
106	23	[ut] per	per *Cod. Baluz.*
106	27	officio	officia *Cod. Baluz.*
107	4	præmoneantur	præmuniantur *Cod. Baluz.*
107	5	moneantur	moveantur *Cod. Baluz.*
107	8	Pensionarii in suis curis resideant	This rubric is wanting in the *Cod. Baluz.*, where the statute to which it is prefixed stands as part of the immediately preceding statute.
107	10	suspensionis	significationis *Cod. Baluz.*
107	12	applicandorum	applicanda *Cod. Baluz.*
107	19	qui ad	quoad *Cod. Baluz.*
107	21	exigentiam	diligentiam *Cod. Baluz.*
107	22	Quibus conferri debent beneficia	This rubric is wanting in the *Cod. Baluz.*, where the statute to which it is prefixed stands as part of the immediately preceding statute.
108	2	quam [illis] malis	quam malis *Cod. Baluz.*
108	3	eis in districto	etiam in discretis *Cod. Baluz.*
108	11	e[x] hostium	et hostium *Cod. Baluz.*
108	12	Ordinarii	ut Ordinarii *Cod. Baluz.*
108	13	[causas denuntient, et stipendia] caritat[iv]e augeant	caritate augeant *Cod. Baluz.*
108	17	ulteriore	veteriore *Cod. Baluz.*
108	19	Inferiora beneficia [ecclesiastica]	Inferiora vero beneficia *Cod. Baluz.*
108	21	curam ipsam	curam ipsos *Cod. Baluz.*
108	21-2	Alexandri III. [in] Lateranensi .	Alexandri III. Lateranensis *Cod. Baluz.*
108	28	Quicumque [de cetero] plura curata, aut alia[s]	Quicumque plura curata habeat aut alia *Cod. Baluz.*
109	6	quoscumque	quicumque *Cod. Baluz.*
109	6	alia[s]	alia *Cod. Baluz.*
109	7	dispensationes	dispositiones *Cod. Baluz.*

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109	9	Concilio [editam]	Concilio *Cod. Baluz.*
109	10	quod ipsi	quod si ipsi *Cod. Baluz.*
109	11	portionis [fructuum]	portionis *Cod. Baluz.*
109	13	appellationibus, [privilegiis]	appellationibus *Cod. Baluz.*
109	17	citra factæ	contra factum *Cod. Baluz.*
109	20	concessæ, nondum	concessum modum *Cod. Baluz.*
109	21	f[ie]nt	fuerint *Cod. Baluz.*
109	21	legitimis, [aut alias] rationabilibus	legitimis et rationabilibus *Cod. Baluz.*
109	22	verificandis	verificandum *Cod. Baluz.*
110	2	[etiam] perpetuos	perpetuos *Cod. Baluz.*
110	3	ab eis [cum]	ab eis pro *Cod. Baluz.*
110	5	deputandos	deputanda *Cod. Baluz.*
110	5	laudabili[ter]	laudabilius *Cod. Baluz.*
110	9	[ecclesias] quascumque	quascumque *Cod. Baluz.*
110	10	[juris] remediis	remediis *Cod. Baluz.*
110	11	repara[tione]	reparari *Cod. Baluz.*
110	17	præsentent	præsentem *Cod. Baluz.*
110	17	substitutum	substitum *Cod. Baluz.*
110	19	nov[er]it	novit *Cod. Baluz.*
110	22	arbitrio	arbitrarii *Cod. Baluz.*
110	23	computum et rationem reddant	computum reddant et rationem *Cod. Baluz.*
110	24	autentice	autentica *Cod. Baluz.*
111	3	computum	complementum. *Cod. Baluz.*
111	4	[ut] provideatur	et provideatur *Cod. Baluz.*
111	5	legatoriorum	legatorum *Cod. Baluz.*
111	10	Orchadensium, ad modum	Orchadensium etc *Frag. in Archiv. Pub. Scot.*
111	18	innotationibus	innotationis *Cod. Baluz.*
111	19-20	totas [et] integras	totas integras *Cod. Baluz.*
111	21	subjectas	subjectis *Cod. Baluz.*
111	28	teneantur [et] contrahantur	teneantur contrahantur *Cod. Baluz.*
111	29	et [ejus] Commissariis	et Commissariis *Cod. Baluz.*
112	2	executores dativos	executores daturos *Cod. Baluz.*
112	6	respective	reverendissime *Cod. Baluz.*
112	11	super f[a]ma	super firma *Cod. Baluz.*
112	12	[et] officii	officii *Cod. Baluz.*
112	23	Statuit et hæc	Statuit hæc *Cod. Baluz.*
112	23	Prothocolla	Prothocolæ *Cod. Baluz.*
113	2	official[at]ibus	officialibus *Cod. Baluz.*
113	8	[aut]	et *Cod. Baluz.*
113	8-9	præfulge[ns]	præfulgeat *Cod. Baluz.*
113	9	ecclesias [in titulum]	ecclesias *Cod. Baluz.*
113	12	[ac]	et *Cod. Baluz.*
113	13	tenorem [nunc]	tenorem *Cod. Baluz.*
113	15	alias	illas *Cod. Baluz.*
113	16	ultimo obtenta	ultimæ obtentæ *Cod. Baluz.*
113	16	excepta	exceptis *Cod. Baluz.*

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113	20	fundationibus [Hospitalium] . .	fundationibus *Cod. Baluz.*
113	21	fundationum	fundationes *Cod. Baluz.*
113	23	eisdem	ejusdem *Cod. Baluz.*
113	26	capellaniis	capellanis *Cod. Baluz.*
114	1-2	comparuerit	comparuerint *Cod. Baluz.*
114	13	Magistri	imagn' *Cod. Baluz.*
114	13	quatenus annis	quatenus in annis *Cod. Baluz.*
114	14	in ecclesiis [fieri debet, ad loca] .	et ecclesiis et loca *Cod. Baluz.*
114	19	[ad] conferendum	conferendum *Cod. Baluz.*
114	21	maxime	maximis *Cod. Baluz.*
114	23	caput . . . . . *De electione*, libro sexto	cap. fid. de elect. lib. 60. *Cod. Baluz.*
114	24	jure [spectant]	jure *Cod. Baluz.*
114	27	Ordinarios	ordines *Cod. Baluz.*
115	2	pascenda est, etc.	pascenda est *Cod. Baluz.*
115	5	repræsentantes	repræsentantis *Cod. Baluz.*
115	7	respective	reverendissimis *Cod. Baluz.*
115	10	sermocinantium	sermocinationibus *Cod. Baluz.*
115	10	[factis]	captis *Cod. Baluz.*
115	12	Nomina beneficiorum prædicatoribus assignatorum .	Sequitur prædicatoribus assignatum *Cod. Baluz.*
115	13	Mu[k]e[rt]	Mutzeiz *Cod. Baluz.*
115	15	Aberdonensi	Abererneu' *Cod. Baluz.* prim. man.
115	15	Crewdane	Crebbdanen *Cod. Baluz.*
115	16	Inverkeithen	Innulzechic *Cod. Baluz.*
115	17	Kirk[chryst]	Szertzersy *Cod. Baluz.*
115	21	præpositu[ra]	præpositus *Cod. Baluz.*
115	21	K[irkwal]	Kultzenay *Cod. Baluz.*
115	21	Orknay	Ortzay *Cod. Baluz.*
115	22	Brechinensi	Brethnen' *Cod. Baluz.*
115	26	[de] Aberbrothok	Ambertobz *Cod. Baluz.*
115	27	Pasleto	Palesto *Cod. Baluz.*
115	27	[K]ilmal[k]ome	Hilmalhosme *Cod. Baluz.*
116	1	[Kilw]ynyng	Helaryminng *Cod. Baluz.*
116	3	[K]elso	Hello *Cod. Baluz.*
116	5	[D]riburg	Eribrut *Cod. Baluz.*
116	5	Kyl[r]yn[n]y	Kyloynynr *Cod. Baluz.*
116	6	Lundoris	Lundoez *Cod. Baluz.*
116	7	S[cona]	Serva *Cod. Baluz.*
116	7	Kyl[do]nand	Hylernad *Cod. Baluz.*
116	8	monasterio [de]	monasterio *Cod. Baluz.*
116	9	Pro [monasterio de]	Pro *Cod. Baluz.*
116	9	vicaria [de]	vicaria *Cod. Baluz.*
116	10	Melros	Melrocz *Cod. Baluz.*
116	10	Hasse[n]dene	Hasseden *Cod. Baluz.*
116	11	Edin[ham]	Edimburg *Cod. Baluz.*

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116	13	[monasterio de] Kynlos . . .	Hynles *Cod. Baluz.*
116	15	Jedbrucht	Jebbrut *Cod. Baluz.*
116	15	Du[n]ma[ny]	Dumian *Cod. Baluz.*
116	16	Petterwgy	Petteorbbgy *Cod. Baluz.*
116	17	Balmerino	Balmermol *Cod. Baluz.*
116	18	[monasterio de] C[upro] . . .	Conyo *Cod. Baluz.*
116	19	[monasterio de] Glenlu[s] . . .	Glenlure *Cod. Baluz.*
116	20	[Pro] priorissatu de [N]orthber-[wyck]	Priorissatus de Morthoerbytz *Cod. Baluz.*
116	22	prædicantium	prædicantium . Priorissatus de Morthoerbytz, vicaria de Largo *Cod. Baluz.*
116	23	pensata	pensatis *Cod. Baluz.*
116	24	easdem	eadem *Cod. Baluz.*
116	25	obtinenda	obtinens *Cod. Baluz.*
116	27	Deum; [et]	Deum, *Cod. Baluz.*
116	28	ex	et *Cod. Baluz.*
117	15	Ordinationes	Sequuntur nonnullæ ordinationes *Cod. Baluz.*
117	15	utiles et necessariæ	cum utiles tum necessariæ *Cod. Baluz.*
117	18	quater	quatuor *Cod. Baluz.*
117	21	caput	capitum *Cod. Baluz.*
117	22	commissi	commissæ *Cod. Baluz.*
117	22	caput *Statuta*, [titulo] *De hæreticis*	cap. ut Statuta de hæreticis *Cod. Baluz.*
117	25	severitate	securitate *Cod. Baluz.*
118	5	[De morum et vitæ emendatione]	This rubric is wanting both in the *Cod. Baluz.* and in the *Frag. in Archiv. Pub. Scot*
118	6	[Secundo,] item	Item *Cod. Baluz.*
118	6	in visceribus	ut visceribus *Cod. Baluz.*
118	11	ordinationes	ordines *Cod. Baluz.*
118	12	prorumpant [ipsi]	prorumpant *Cod. Baluz.*
118	25	admittendis	admittendum *Cod. Baluz.*
119	4	solidos .	The scribe of the *Cod. Baluz.* has written here a character which may be supposed to denote either *s.* or *l.*, *solidos* or *libras.*
119	11	Et quoties prædicatum est nomine rectoris in anno, curati notent, etc.	Quoties predicatur per rectores inquiratur. *Cod. Baluz.*
119	20-1	Articuli super quibus hæreticæ pravitatis inquisitores suas inquisitiones formare potissimum deberent, etc.	Articuli inquirendi per inquisitores hæreticæ pravitatis. *Cod. Baluz.*
119	22	specialiter	spiritualiter *Cod. Baluz.*
119	25	auditorum	authorum *Cod. Baluz.*
120	1	ubi nullas	ulli nullos *Cod. Baluz.*
120	4	sacramenta	monasteria *Cod. Baluz.*
120	6-7	præsertim in sacrificio Missæ, et	præsertim in sacramento baptismi et sacrifi-

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		sacramentis baptismi, confirmationis, extremæ unctionis, [pœnitentiæ,] et aliorum	cium Missæ, confirmationis, extremæ unctionis, et aliorum. *Cod. Baluz.*
120	8	contemnentes.	continentes. *Cod. Baluz.*
120	10-1	glorificato [postea in æternum regnaturas.]	glorificato. *Cod. Baluz.*
120	16	Christianorum.	Christianorum et sanctiones canonicas. *Cod. Baluz.*
120	17-8	dogmatibus, et sanctiones canonicas.	dignitatibus. *Cod. Baluz.*
121	1	Circa Orationem Dominicam *Pater Noster*, etc.	Circa Orationem Dominicam. *Cod. Baluz.* With this rubric the *Frag. in Archiv. Pub. Scot.* ends.
121	10	Salutatione Angelica	Salutatione Evangelica. *Cod. Baluz.*
121	15	exercitiam	exercitia *Cod. Baluz.*
121	16	nequi	ne quis *Cod. Baluz.*
121	17	causas	causæ *Cod Baluz.*
121	23	doctioribus	doctoribus *Cod. Baluz.*
121	24	fore	fori *Cod. Baluz.*
122	8	proferre	proficere *Cod. Baluz.*
122	16	[si] admissæ	admissæ *Cod. Baluz.*
122	18	solidos [persolvat]	solidos *Cod. Baluz.*
122	22	no[n] relevantes	novo relevantes *Cod. Baluz.*
122	22	admissibiles	admissibili *Cod. Baluz.*
122	23	stylo fori	stylo fere *Cod. Baluz.*
122	25	fabricandis	fabricandum *Cod. Baluz.*
122	25	insufficientes	sufficienter *Cod. Baluz.*
123	5	statuti	statutis *Cod. Baluz.*
123	6	[Ne urgeantur longæ delationes falsæque excusationes, etc.]	There is no rubric to this statute in the *Cod. Baluz.*
123	8	excusationes	accusationes *Cod. Baluz.*
123	8-9	scripturasve	scripturæ *Cod. Baluz.*
123	9	productas	productæ *Cod. Baluz.*
123	15	nominata	nominato *Cod. Baluz.*
123	15	t[unc]	tamen *Cod. Baluz.*
124	13	quam [quæ] coram	quam coram *Cod. Baluz.*
124	15	[diem] receptionis	receptionis *Cod. Baluz.*
124	16	recipientis	recipientibus *Cod. Baluz.*
124	21	summam	summa *Cod. Baluz.*
124	22	citata [et] minime	citata minime *Cod. Baluz.*
125	2	examinentur	excaventur *Cod. Baluz.*
125	12	reservationum [causa]	reservationum *Cod. Baluz.*
125	20	legibus	legibus taur *Cod. Baluz.*
125	26	usitata	usitate *Cod. Baluz.*
126	4	ante	aut *Cod. Baluz.*
126	19	co[nv]iciis	comitiis *Cod. Baluz.*

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126	21	cat[a]logo	cathologo *Cod. Baluz.*
127	1	[Indictio futuri Concilii Provincialis.]	There is no rubric to this statute in the *Cod. Baluz.*
127	7	dicto	dictis *Cod. Baluz.*
127	9	diœcesis	diocesi *Cod. Baluz.*
128	1-3	[Concilium Provinciale per Prælatos et clerum regni Scotiæ habitum Edinburgi, die vicesimo sexto mensis Januarii, anno Domini 1551.] [Approbatio statutorum prioris Concilii.]	Acta postea edita in eodem Concilio et approbata sequuntur. *Cod. Baluz.*
128	4	[constans] hujus	hujus *Cod. Baluz.*
128	5	Concilium [facientibus]	Concilium *Cod. Baluz.*
128	11	conc[lu]sa	concessum *Cod. Baluz.*
129	3	prius editum	præsens editum *Cod. Baluz.*
129	4	et [Episcopos]	et . . . . *Cod. Baluz.*
129	8	[absque mora monitiones] . . .	obiti mod' *Cod. Baluz.*
129	10	applicandarum	applicandum *Cod. Baluz.*
129	15	[ut] statuta	statuta *Cod. Baluz.*
129	23	[in]idoneos	idoneos *Cod. Baluz.*
130	5	prius promulgat[am]	præsens promulgatis *Cod. Baluz.*
130	10	reverendorum	reverendissimorum *Cod. Baluz.*
130	11	Decani	ac Decani *Cod. Baluz.*
130	21	diœcesis [Sodorensis]	diœcesis . . . . *Cod. Baluz.*
131	1	ac Episcopis	Episcopis *Cod. Baluz.*
131	2	reserv[en]tur	reservatur *Cod. Baluz.*
131	9	super facti	superioribus facti *Cod. Baluz.*
131	12	Commissariis [generalibus] . .	Commissariis . . . . *Cod. Baluz.*
131	13	delegabuntur	derogantur *Cod. Baluz.*
131	16	m[y]steriorum	ministeriorum *Cod. Baluz.*
131	26	deficient[ia]m	deficientem *Cod. Baluz.*
132	2	quod	quo *Cod. Baluz.*
132	14	su[per]	suis *Cod. Baluz.*
132	15	hinc	huic *Cod. Baluz.*
132	21	ecclesiasticarum [pœnarum] . .	ecclesiasticarum *Cod. Baluz.*
132	22	viluit	velint *Cod. Baluz.*
133	6	affigantur	affligantur *Cod. Baluz.*
133	6-7	fixa [remaneant eorum nomina], donec	fixa donec *Cod. Baluz.*
133	7	obtinuerint.	obtinuerint, dimittantur; *Cod. Baluz.*
133	14	ingesserit	ingesserint *Cod. Baluz.*
133	21	suæ insordescentiæ	sive insordescentibus *Cod. Baluz.*
134	9	ex reliquis	et reliquis *Cod. Baluz.*
134	11	administrationibus	administratoribus *Cod. Baluz.*
134	13	deputat[æ]	deputatis *Cod. Baluz.*

Page	line		
134	13	contigue	contiguæ *Cod. Baluz.*
134	13	jacentes	tacen' *Cod. Baluz.*
134	24-5	e[t] nativitat[is]	ex nativitate *Cod. Baluz.*
134	26	avitæ	amicæ *Cod. Baluz.*
135	1	nativitatis	nativitatibus *Cod. Baluz.*
135	2	b[an]norum	bonorum *Cod. Baluz.*
135	5	compatr[u]m et commatr[u]m .	compatrem et commatrem *Cod. Baluz.*
135	8	mulieris	mulieres *Cod. Baluz.*
135	8	div[er]sarum	divisarum *Cod. Baluz.*
135	22	ut	et *Cod. Baluz.*
136	10	errantes	errores *Cod. Baluz.*
136	18-9	instructione	constructione *Cod. Baluz.*
136	31	[utique] ignorabitur	ignorabitur *Cod. Baluz.*
136	31	immo [et]	immo *Cod. Baluz.*
136	31	Qu[id]	Quantum *Cod. Baluz.*
137	1	[ubi] non	omnibus cum non *Cod. Baluz.*
137	1	pascua, [ignorat]	pascua *Cod. Baluz.*
137	3	experitur	exoritur *Cod. Baluz.*
137	8	tribuat	tribus *Cod. Baluz.*
137	9	tempus	usque *Cod. Baluz.*
137	24	Miss[am]	Missæ *Cod. Baluz.*
138	2	mun[u]s	numeris *Cod. Baluz.*
138	16	specialiter	spiritualiter *Cod. Baluz.*
138	17	ei	et *Cod. Baluz.*
138	22	lectionem	pro lectione *Cod. Baluz.*
138	23	si [quis] rector, vicarius seu curatus	si rectores, vicarii seu curati *Cod. Baluz.*
138	29	interim	intententur *Cod. Baluz.*
140	1-3	[Concilium Provinciale cleri totius regni Scotiæ cœptum Edinburgi primo die mensis Martii anno Domini 1558, et finitum ibidem decimo die mensis Aprilis anno Domini 1559.]	Concilium provinciale totius cleri Scoticani utriusque provinciæ S. Andreæ et Glasguen. habitum Edinburgi A.D. M.D.LIX. Ex autographo in colleg. Scot. Paris. mem. Scot. tom. i. fol. 129. *Concilia Magnæ Britanniæ.* There is no rubric here in the *Cod. Baluz.*
140	7	Scoticanæ	Scoticanæ. Dat. 31 Januar. A.D. 1558. (Ex autographo in archivo Collegii Scotorum Parisiens.) *Cod. Baluz.*
140	10	ejusdem	ejusdemque *Cod. Baluz.*
140	14-5	metropoli[ti]cæ et pr[imat]ialis [auctoritatis] nostræ	metropolicæ et provincialis nostræ *Cod. Baluz.*
141	4	cujusvis	cum suis *Cod. Baluz.* prim. man.
141	14	Christianæ, [statu, libertate] . .	Christianæ *Cod. Baluz.*
141	15	quibusv[is]	quibusve *Cod. Baluz.*
141	23	vineam Domini	unicam domum *Cod. Baluz.* prim. man.
141	26	fovet	fore *Cod. Baluz.*

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141	27	quæ	de quo *Cod. Baluz.*
142	4	metropoli[ti]ca	metropolica *Cod. Baluz.*
142	5	pr[imat]iali	provinciali *Cod. Baluz.*
142	7-8	[et Supremæ Dominæ nostræ] Reginæ	Reginæ *Cod. Baluz.*
142	8	videntis	videritis *Cod. Baluz.* prim. man.
142	12-3	prorogatione	propagatione *Cod. Baluz.* prim. man.
143	12	[causa] orandi	orandi *Cod. Baluz.*
143	12	[hujusmodi] nostri	nostri *Cod. Baluz.*
143	25	Provinciale jam inceptum . . .	provinciale Edinburg. A.D. M.D.LIX. Ex autographo in collegio Scotor. Paris. memoir. Glasg. fol. 120. *Concilia Magnæ Britanniæ.*
144	17	genera[liter]	generatim *Conc. Mag. Brit.*
145	3	Provinciale jam inchoatum . . .	provinc. A.D. M.D.LIX. Ibid. fol. 121. *Conc. Mag. Brit.*
145	7	Farnes et Rennis	Finnes et Renis *Conc. Mag. Brit.*
145	15	Fratrum Prædic[a]torum . . .	fratrum prædictorum *Conc. Mag. Brit.*
145	28	Kirkkynre	Kirkkynie *Conc. Mag. Brit.*
146	13	generalis	generalis. Sequuntur subscriptiones curatorum et aliorum de executione facta ejusdem supradicti mandati abbatibus et aliis infra diœcesim Candidæ Casæ. *Conc. Mag. Brit.*
146	14-6	[Articles proponit to the Quene Regent of Scotland be sum temporall Lordis and Barronis, and sent be hir Grace to the haill Prelatis and principallis of the clargie convenit in thair Provincial Counsall in Edinburgh.]	Remonstrance to the prelats and other churchmen assembled in the provincial council holden at Edinburg in March and April, A.D. M.D.LIX. craving redress of several grievances complained of in the ecclesiastical administration of Scotland. Taken from a copy written in those times, and now extant in colleg. Scotor. Paris. memoires Glasg. *Conc. Mag. Brit.*
148	24	[vm]est claith	finest claith *Conc. Mag. Brit.*
150	7	M.CCCC.XCI[II]	M.CCCC.XCIV. *Conc. Mag. Brit.*
150	11	[that]	be *Conc. Mag. Brit.*
151	6	Scotiæ indictum	septies judicatum *Cod. Baluz.* prim. man.
153	14	ann[is]	anno *Cod. Baluz.*
153	16	[De observatione decreti Concilii Basiliensis contra concubinarios.]	There is no rubric to this statute in the *Cod. Baluz.*
153	17	prioris [Concilii]	prioris *Cod. Baluz.*
153	19	decretum Concilii	concilium decreti *Cod. Baluz.*
153	24	[in]	et *Cod. Baluz.*
153	24	et [per]	et *Cod. Baluz.*
153	25	[respective]	reverendissimos *Cod. Baluz.*

Page	line		
153	26	Legatus [natus, etc.], ...	Legatus *Cod. Baluz.*
153	27	reverendissimus [dominus] . .	reverendissimus *Cod. Baluz.*
154	2	sibimet[ipsis]	sibimet *Cod. Baluz.*
154	4	reverendos	reverendissimos *Cod. Baluz.*
154	18-9	[Sanct]issimo [Domino] . . .	reverendissimo *Cod. Baluz.*
154	20	in[ti]ment	insument *Cod. Baluz.*
154	21	ex dictis	disetis *Cod. Baluz.*
155	1	[aut] teneant	teneant *Cod. Baluz.*
155	17	ejusdem	eidem *Cod. Baluz.*
155	23	Prælati [aut]	Prælati *Cod. Baluz.*
156	6	part[u]bus	partibus *Cod. Baluz.*
156	16	erroneas	erroneant *Cod. Baluz.*
157	1	si qui	si quid *Cod. Baluz.*
157	2	b[utyr]um	bissum *Cod. Baluz.*
157	10	tonsura [clericorum et] . . .	tonsura *Cod. Baluz.*
157	16	semper	super *Cod. Baluz.*
157	21	Sacrosanct[æ]	Sacrosanctum *Cod. Baluz.*
158	2	prius editum	postea editum *Cod. Baluz.*
158	9	[tam] in	in *Cod. Baluz.*
158	21	rectores [ac]	rectores *Cod. Baluz.*
158	22	reparatione [cancellarum] . . .	reparatione *Cod. Baluz.*
159	9	s[acrorum ordin]um	sordium *Cod. Baluz.*
159	19	Licet [canon]	Licet *Cod. Baluz.*
159	26	Aber[done]usi	Abererneu *Cod. Baluz.*
160	28	quod [aliqui]	quod *Cod. Baluz.*
160	28	in delinquentes	delinquentes *Cod. Baluz.*
161	5	[et] debitæ	debitæ *Cod. Baluz.*
161	20	demandandum	mandandis *Cod. Baluz.*
161	23	verbi [Dei]	verbi *Cod. Baluz.*
161	25	idonei	inodei *Cod. Baluz.*
162	10	primum	proximum *Cod. Baluz.*
162	18-9	cujuscumque	quibuscumque *Cod. Baluz.*
165	3	consecrandi	conservandi *Cod. Baluz.*
165	13	præmittant	permittant *Cod. Baluz.*
165	17	affectu	effectu *Cod. Baluz.*
166	23-4	m[anibu]s	membris *Cod. Baluz.*
167	2-3	prolium	prælatorum *Cod. Baluz.*
167	17	agnati [et]	agnati *Cod. Baluz.*
168	15	[non] obstante	obstante *Cod. Baluz.*
168	19	Pensato Dei	Pensat Deum *Cod. Baluz.*
168	20	inde exorto	inde . . . *Cod. Baluz.*
169	1	longam vel brevem	longa vel brevi *Cod. Baluz.*
169	3	locatione[s]	locationem *Cod. Baluz.*
169	8	uno [anno]	uno *Cod. Baluz.*
169	19	superioris	superiorum *Cod. Baluz.*
170	15	[tam] religiosorum	religiosorum *Cod. Baluz.*

Page	line		
171	3	quorum [observatione]	quorum *Cod. Baluz.*
171	6	processuum	potissimum *Cod. Baluz.*
171	9	officio	officiorum *Cod. Baluz.*
171	11	summariis [procedatur summarie]	summariis *Cod. Baluz.*
171	17	libra[rum]	libras *Cod. Baluz.*
173	10	quod a	quia *Cod. Baluz.*
173	12	[et] singulis	singulis *Cod. Baluz.*
174	3	specie mali	specie mala *Cod. Baluz.*
174	9	singulisque	singulorumque *Cod. Baluz.*
174	11	venundare	venudare *Cod. Baluz.*
174	17	[in] Paschali solemnitate . . .	Paschali solent *Cod. Baluz.*
174	19	t[unc]	tamen *Cod. Baluz.*
174	21	[a]t	et *Cod. Baluz.*
174	25	Willocks	Villots *Cod. Baluz.*
174	25	Patrik	Patritz *Cod Baluz.*
175	11	moneat	monet *Cod. Baluz.*
175	17	excepto	recepto *Cod. Baluz.*
176	11	[de] aliis	aliis *Cod. Baluz.*

APPENDIX.

APPENDIX.

Incipiunt Canones Adomnani.

I.

[1.] Maritima animalia ad littora delata, quorum mortes nefcimus, fumenda funt fana fide, nifi fint putrida.

II.

Pecora de rupe cadentia, fi fanguis eorum effufus fuerit, recipienda. Si non vero, fed fracta funt offa eorum, et fanguis foras non fluxit, refutanda funt ut morticina.

III.

In aquis extincta morticina funt, quorum fanguis intrinfecus latet. A beftiis capta animalia et femiviva, beftialibus hominibus fumenda funt.

IV.

Animal femivivum fubita in morte præparatum abfciffa aure vel alia parte, morticinum eft.

V.

Carnes fuillæ fi morticinum comedent craffæ vel pingues, ut morticinum quo pinguefcunt fues, refutandæ funt. Cum vero decreverint et ad prif-tinam maciem reverfæ, fumendæ funt.

VI.

Si vero una vice vel II. vel III. morticina manducaverint, poft hujus receffum de ventre earum fana fide fumendæ funt.

VII.

Sues carnem vel fanguinem hominis guftantes inliciti funt et reiciendi femper. In lege enim animal cornupetum, fi hominem occiderit, inlicitum eft.

VIII.

Equus aut pecus fi percufferit hominem in agro civitatis fuæ, dimidium unciæ reddet pro eo homini cujus fanguis effufus eft. Si percufferit homo animal in agro fuo, non redditur pro eo.

ITEM ADOMPNANUS.

Simili modo prohibet medullas offium cervorum manducari, quos lupi comederunt. Similiter et cervos quorum fanguinem quamvis parvulum fluxiffe cernimus, perfracto in pedicis crure, vetat manducari, morticinam effe adfirmans carnem eo quod non fluxerit fanguis fuperior, qui cuftos et fedes animæ erat, fed coagulatus eft intra carnem, quamlibet extremitas fanguinis per extremum quodlibet membrum fit effufa, fanguis tamen craffior et folidior in quo anima federat intra carnem coagulatus manet. Itaque quod fi non caufa vulneris inlifi fedem animæ turbaverit, non eft fanguinis effufio, fed extremæ partis offenfio. Itaque et qui eam carnem comederit, fciat carnem cum fanguine comediffe. Cum enim Dominus carnem · · · · · · prohibuit comedendam, non carnis coctio deerat, fed fanguinis effufio. Et hoc prædictum intelligi debet et de pecoribus, quæ poft abfciffam vel tamen fciffam aurem, in extrema infirmitate mortua funt: adipem tamen et pelles in ufus varios habebimus.

Incipit nunc Synodus Aquilonalis Britanniæ.

I.

[II.] Cum muliere vel cum viro peccans quis, expellatur, ut alterius patriæ cœnubio vivat, et pœniteat confeffus III. annis claufus. Et poftea frater illius altari fubjectus anno uno Diaconus, III. Prefbyter, IIII. Epifcopus et Abbas, fuo quifque ordine privatus, doctoris judicio pœniteat.

II.

Qui feipfum coinquinaverit, annum claufus pœniteat: Puer XII. annorum XL. [*l.* II.] aut III. Quadragefimis. I. Diaconus anno claufus, et cum fratribus pœniteat demedio. Sacerdos uno anno claufus, et cum fratribus altero.

III.

Monachus confecrata furatus exilio anno uno, et altero cum fratribus pœniteat. Si autem intraverit [*l.* iteraverit], exilium patietur. Furatus cibum, Quadragefima; fi iterato, tres Quadragefimas; fi tertio, anno; fi quarto, jugi exilio fub alio Abbate pœniteat.

IV.

Dilatus et dilator confimili perfona judicentur. Si dilatus negaverit, anno fimili pœniteat in feptimana II. diebus pane aquaque, et biduano in fine cujufque menfis, omnibus fratribus fubponentibus, et Deum eis judicem conteftantibus. Permanentes autem in obftinatione, anno emenfo, alterius communioni fub judice flamma focientur, et Dei judicio relinquantur. Si quando alter fuerit confeffus quantum laboris alteri intulerit, tantum fibi multiplicetur.

[III.] Decretalium juſſu Gregorii Papæ IX. sub A.D. MCCXXXIV. collectarum, Capitula quæ reſcripta in cauſis Scoticanis continent.

LIB. I. TIT. XLIII: *De arbitris.* CAP. VI: *Arbiter non habet potestatem iudicandi vltra comprehensa in compromisso: ideo coram eo non fit reconuentio.*

[A.D. 1208.] Innocentius Papa III. Epiſcopo Sancti Andreæ, Abbati de Aberbrothoc, Thomæ priori, [Ranulfo] archidiacono, et Magiſtro [Laurencio] officiali Sancti Andreæ . . . Quod, licet in iudicio conuenientem reconuenire valeatis, qui coram iudice conuenitur, coram arbitris tamen reconueniri non poteſt: cum arbitri iudicare non valeant, niſi de his tantum, ſuper quibus in eos extiterit compromiſſum.

LIB. II. TIT. XII: *De caussa possessionis et proprietatis.* CAP. VI: *Si petitorio et possessorio simul est actum, vna sententia terminatur, et præmittitur possessorium in terminando: sed in exsequendo præualet petitorium.*

[A.D. 1198-1216.] Innocentius Papa III. Epiſcopo Sancti Andreæ, Abbati de Aberbrothoc, Thomæ priori, Ranulfo archidiacono, et Magiſtro Laurencio officiali Sancti Andreæ . . . Quod, cum ſuper poſſeſſorio et petitorio ſimul eſt actum, vtrumque vna ſententia debet terminari. Sed licet in pronuntiatione ſit poſſeſſio præmittenda: in exſequutione tamen debet proprietas præualere.

LIB. II. TIT. XXII: *De fide instrumentorum.* CAP. IX: *Post publicas attestationes vsque ad conclusionem possunt instrumenta produci: consuetudo loci facit instrumentum authenticum.*

[A.D. 1206.] Innocentius Papa III. Epiſcopo Sancti Andreæ, Abbati de Aberbrothoc, Thomæ priori, Ranulfo archidiacono, et Magiſtro [Laurencio]

officiali Sancti Andreæ . . . Ad fecundam autem quæftionem taliter duximus refpondendum, quod vtraque pars poteft inftrumentum etiam poft publicationem atteftationum vfque ad definitiuæ fententiæ calculum exhibere, antequam fit in cauffa conclufum. Super tertio vero articulo taliter refpondemus, quod inquiratis diligentius veritatem, et, fi confuetudo illius patriæ obtinet approbata, vt inftrumentis illius Regis fides adhibeatur, vos ea fecure poteritis admittere: præfertim cum fupradictus Rex tantæ fuerit honeftatis, quod ipfius inftrumenta maximæ auctoritatis fint in partibus Scoticanis.

Lib. ii. Tit. xxviii: *De appellationibus etc.* Cap. lxiv: *Appellans, qui terminum appellationis præfigit, si mittit procuratorem ad impetrandum et contradicendum tantum, et appellatio fuit recepta a iudice, vel approbata a parte, aduersario legitime prosequenti, condemnatur in expensis.*

[A.D. 1224.] Honorius Papa iii. Sancti Andreæ et Duncheldenfi Archidiaconis, et Magiftro Joanni canonico Duncheldenfi . . . Nicolao militi ac Fratri E. monacho monafterii Sanctæ Mariæ de Dundrannan Ciftercienfis ordinis diœcefis Candidæ Cafæ apud Sedem Apoftolicam conftitutis, dilectum fratrem noftrum Sancti Hadriani diaconum Cardinalem conceffimus auditorem. In cuius præfentia cum dictus monachus non nifi ad impetrandum et contradicendum procurator fuerit inftitutus, ficut ex litteris dictorum Abbatis et Conuentus conftitit euidenter, fupplicauit humiliter idem miles, vt contra ipfos tanquam contumaces procedere deberemus . . . Quia vero fuper præmiffis nobis non potuit fieri plena fides, de affenfu militis et monachorum prædictorum, difcretionibus veftris mandamus, quatenus, fi vobis conftiterit dictos Abbatem et Conuentum appellationi fuæ terminum præfixiffe, cum ad profequendam eandem fufficientem procuratorem non miferint, memorato milite ipfam perfonaliter profequente, ipfos ad reftituendas expenfas, a tempore appellationis factas, eidem militi condemnetis, eodemque, ficut iuftum fuerit, primitus reftituto, audiatis cauffam, et appellatione remota fine debito terminetis.

LIB. III. TIT. XXIV: *De donationibus.* CAP. VI: *In donationibus plenissima sit interpretatio: et ob hoc clausula onerosa post multas donationes apposita, proximam donationem tantum respicit.*

[A.D. 1208.] Innocentius Papa III. R. de Gedeburg, et G. de Driburg abbatibus, et Magiſtro I. rectori eccleſiæ de Bilchiale . . . Cum dilecti filii Abbas et monachi de Melros propoſuerint coram nobis, quod nobilis vir Alanus quaſdam terras ab Waltero quondam patre ipſius, eorum eccleſiæ de Machelim in eleemoſynam aſſignatas, violenter redigere cupiat in foreſtam . . . mandamus, quatenus auctoritate noſtra ſuffulti ad ſententiam pro ipſo monaſterio proferendam, appellatione poſtpoſita, procedatis . . . cum ex tenore inſtrumenti euidenter appareat, quod hæc fuit mens et intentio donatoris, vt clauſula de foreſta, quæ in fine ponitur inſtrumenti, non ad ſuperiorem donationem, quæ tam libera et pura fuit vt immunis eſſet vexatione et conſuetudine ſeculari, ſed hoc ad inferiorem conceſſionem quæ penſionem et determinationem habet inſertam, iuxta ſanum referri debeat intellectum: quia in contractibus plena, in teſtamentis plenior, in beneficiis quoque pleniſſima eſt interpretatio adhibenda.

LIB. III. TIT. XXIV: *De donationibus.* CAP. IX: *Donatio quinquagesimæ vel centesimæ, quam facit Episcopus cum graui ecclesiæ suæ detrimento, potest legitime reuocari: nec etiam potest vltra quinquagesimam vel centesimam conferre, etiam cessante læsione ecclesiæ, sine auctoritate superioris.*

[A.D. 1211.] Innocentius Papa III. Epiſcopo Sancti Andree . . . Cum plerumque contingat quod Epiſcopi ſucceſſiue locis religioſis de reditibus, qui pertinent ad eoſdem, vltra quinquageſimam conferant portionem, ita, quod interdum vſque ad tertiam partem, vel quartam, interdum vero plus minuſue huiuſmodi reditus minuantur: tua fraternitas nos conſuluit, vtrum ſucceſſoribus eorundem ea, quæ taliter fuerunt vltra quinquageſimam portionem conceſſa, licet aliquatenus reuocare. Nos igitur in-

quiſitioni tuæ taliter reſpondemus, quod, licet ſit in canone definitum, vt, ſi quis Epiſcoporum in parœcia ſua monaſterium forte conſtruere voluerit, et de rebus eccleſiæ cui præſidet ipſum dotare, non amplius ibidem, quam quinquageſimam partem, eccleſiæ vero, quam monaſticis regulis informare, vel pro ſuis propriis magnificare voluerit ſepulturis, non amplius quam centeſimam partem cenſus eccleſiæ cui præeſt debeat elargiri, quia tamen in eodem canone conſequenter adiungitur, vt hæc temperamenti æquitas obſeruetur, quod cui tribuit competens ſubſidium conferat, et cui tollit damna grauia non infligat, ea quidem cautela ſeruata, vt vnam tantummodo, quæ placuerit ex his duabus, remunerationem aſſumat, hoc ſemper eſt obſeruandum, quod vnus Epiſcopus, vel alius, non ſolum non debet amplius, ſed nec tantum, nec minus cum graui eccleſiæ ſuæ detrimento conferre, ſiue ſimul et ſemel id facere velit, ſiue pluries ſucceſſiue, eiſdem vel diuerſis eccleſiis conferendo. Vnde cum graue detrimentum ſiue de poſſeſſionibus, ſiue de prouentibus ad epiſcopalem menſam vel cathedralem eccleſiam pertinentibus, in quantalibet portione conſtiterit eſſe collatum, poterit legitime reuocari: niſi præſcriptione vel alia exceptione legitima actio huiuſmodi excludatur. Nam, etſi prima facie præſumatur, quod collatio quinquageſimæ vel centeſimæ partis graue non inferat detrimentum; quia tamen non ſolum ſi ſæpe, ſed etiam ſi ſemel id fiat, ex variis circumſtantiis, deprehendi poteſt interdum eſſe valde damnoſum, quod quidem magis poteſt ex oſtenſione ipſius facti, quam expreſſione alicuius ſtatuti cognoſci: nec quinquageſima nec centeſima ſemel aut ſucceſſiue debet cum graui eccleſiæ damno conferri. Si vero in tantum abundet Epiſcopus, vt ſine damno eccleſiæ ſuæ poſſit amplius etiam quam per quinquageſimam vel centeſimam partem neceſſitati alterius eccleſiæ ſubuenire, quamuis per ſe non debeat ſummam excedere a canone præfinitam, per quem incaute largiri volentibus eſt occurſum: de ſuperioris tamen auctoritate pontificis poteſt etiam in maiori ſumma inopiæ alterius prouideri.

LIB. III. TIT. XXX: *De decimis, primitiis, et oblationibus.* CAP. VIII: *Priuilegiati super decimis non soluendis, de iis prædiis, quæ ab aliis conducunt, decimam soluere tenentur.*

[A.D. 1180.] Alexander III. Papa monachis de Neubothel . . . Dilecti filii Abbas et fratres Sanctæ Crucis, ſua nobis conqueſtione monſtrarunt, quod prædia, vnde decimas, et in magna parte ſuſtentationem conſueuerunt habere, a pleriſque laicis conduxiſtis, et recepiſtis ad firmam. Vnde, quoniam iidem fratres ex hoc grauantur immoderate et enormiter, nec fuit intentionis noſtræ, aut anteceſſorum noſtrorum, vt de poſſeſſionibus, quas conduxiſtis, decimas non ſoluatis: vniuerſitati veſtræ præcipiendo mandamus, quatenus de fructibus de prædiis quæ conduxiſtis in parœciis ſuis, de quibus conſueuerunt decimas percipere, plenarie ſoluatis eiſdem, vel cum ipſis tam pacifice et amicabiliter componatis, quod nulla inter vos debeat ſcandali malitia ſuſcitari, [nec] vos videamini vltra quam vobis indultum eſt, manus extendere.

LIB. III. TIT. XLIX: *De immunitate ecclesiarum, cœmiterii, et rerum ad eas pertinentium.* CAP. VI: *Reus criminis, ad ecclesiam fugiens, non est violenter ab ea extrahendus, nec debet amplius prætextu criminis commissi damnari ad mortem, vel ad aliam pœnam corporalem: est tamen aliter legitime puniendus. Fallit in duobus casibus hic expressis. Seruus, fugiens ad ecclesiam timore domini sui, est domino, de eius impunitate iuranti, restituendus.*

[A.D. 1200.] Innocentus Papa III. illuſtri Regi Scotie . . . Inter alia quæ nobis regalis prouidentia ſuis litteris intimauit, quid de illis fieri debeat, qui, maleficia pertractantes, confugiunt ad eccleſias, vt pro reuerentia ſacri loci debitas pœnas valeant euitare, ſollicite requiſiuit. Nos igitur, tuis quæſtionibus reſpondentes iuxta ſacrorum ſtatuta canonum, et traditiones legum ciuilium, ita duximus in huiuſmodi diſtinguendum, quod fugiens ad eccleſiam, aut liber, aut ſeruus exiſtit. Si liber, quantum-

cunque grauia maleficia perpetrauerit, non eſt violenter ab eccleſia extrahendus; nec inde damnari debet ad mortem vel ad pœnam: ſed rectores eccleſiarum ſibi obtinere debent et membra, et vitam. Super hoc tamen quod inique fecit, eſt alias legitime puniendus: et hoc verum eſt, niſi publicus latro fuerit, vel nocturnus depopulator agrorum, qui, dum itinera frequentat, vel publicas ſtratas obſidet aggreſſionis inſidiis, ab eccleſia extrahi poteſt, impunitate non præſtita, ſecundum canonicas ſanctiones. Si vero ſeruus fuerit, qui confugerit ad eccleſiam; poſtquam de impunitate ſua dominus eius clericis iuramentum præſtiterit, ad ſeruitium domini ſui redire compellitur etiam inuitus: alioquin a domino poterit occupari. Tu, ergo, fili cariſſime, cum in regno tuo aliquid horum contigerit, iuxta præmiſſam diſtinctionem ſic procedere ſtudeas, quod eccleſiarum honor et immunitas ſeruetur illæſa, et malignandi facultas prauæ voluntatis hominibus auferatur.

Lib. iv. Tit. xx: *De donationibus inter virum et vxorem, et de dote post divortium restituenda.* Cap. vi: *Vsufructuarius, donans sine consensu domini rem ipsam vxori propter nuptias, non transfert in eam plus iuris, quam ipse habebat: idem de eo, qui sub conditione adimente habet rem in hereditatem, vel in feudum.*

[A.D. 1203.] Innocentius Papa III. Archidiacono Sancti Andreæ in Scotia . . . Nuper a nobis tua diſcretio requiſiuit, ſi aliqua terra data fuerit alicui, non in hereditatem vel feudum, ſed tantum ſibi quoad vixerit poſſidenda, et ipſe poſtmodum tertiam partem vxori ſuæ in dotem conceſſerit, vtrum, eo defuncto, præfatam dotem vxor, dum vixerit, habere debeat et tenere, cum eccleſia dotes protegere teneatur viduarum. Poſtulaſti præterea noſtris litteris edoceri, ſi qua terra data fuerat alicui et heredi quem de vxore legitima procrearet, in hereditatem vel feudum, et ipſe, vxori ſuæ quadam parte ipſius in dotem conceſſa, deceſſerit poſtmodum ſine prole, an mulier dotem eandem de iure poſſet habere, vtrum etiam eccleſia pro ipſa ſtare debeat in hoc caſu, an, viro defuncto, terra

illa ſine opere in bona redire debeat concedentis. Nos autem conſultationi tuæ taliter reſpondemus, quod, cum regulariter nullus in alium plus iuris tranſferre poſſit quam eum conſtet habere, vir, cui terra prædicto modo conceditur, non poteſt vxori relinquere, quod ei non licuit, niſi quoad vixerit, poſſidere. Nec licet vxori ſuæ partem illius terræ in donationem propter nuptias ex viri conceſſione tenere: niſi forte donationi illius ille ad quem ſpectat dominium illius terræ, voluerit conſentire. Quod autem de prima conſultatione dicimus, hoc reſpondemus etiam de ſecunda. Nam licet eccleſia in cauſſis viduarum ſe fauorabilem debeat exhibere: contra iuſtitiam tamen non eſt eis fauor eccleſiaſticus concedendus. Illud vero te nolumus ignorare, quod vxor dare dicitur viro dotem, vir autem vxori donationem facere propter nuptias, ſecundum legitimas ſanctiones.

[IV.] Capitula Capelle Regis Scocie tam de Literis in Curiis placitandis quam de Breuibus per Regem de Cancellaria mittendis [res eccleſiaſticas tangentibus]·

Capitulum lxiiii · Litera inhibicionis Domini Regis pro homine vexato ad curiam Chriſtianitatis ·

Rex Epiſcopo de · N · vel Archidiacono . Decano uel eorum officiali Salutem Monſtrauit nobis · A · grauiter conquerendo · quod · P · ipſum iniuſte trahit in placitum coram uobis in curia Chriſtianitatis ſuper laico tenemento de · N · quod tenet de [n]obis in capite uel per cartam · cuiuſquidem cauſe cognicio ad forum noſtrum Regium de jure debeat pertinere · Quare uobis mandamus et firmiter prohibemus quod ſi ita ſit ſicut dictus · A · nobis monſtrauit in dicta cauſa non procedatis in preiudicium noſtre Regie dignitatis · Deſicut curia noſtra eidem · P · non defuit de juſticia · Ita quod pro veſtro defectu et noſtre prohibicionis contemptu non oporteat dictum · A ·

ad nos ſuper hoc recurrere iuſte conquerendo per quod ad uos et bona veſtra grauiter capere debeamus vel aliud remedium apponere debeamus · Teſtibus et cet ·

Vel sic · Conqueſtus et cet · quod tu trahis ipſum in cauſam coram tali in curia ut supra · Quare tibi mandamus in fide et fidelitate quibus nobis teneris [et] firmiter precipimus quod ſi ita ſit a proſecucione dicte cauſe que eſt in preiudicium noſtre Regie dignitatis totaliter deſiſtas · Deſicut et cet ·

Capitulum lxvii · Pro Rege et pro Conſilio Generali ·

Rex venerabilibus in Chriſto patribus omnibus et ſingulis Dei gracia Epiſcopis regni noſtri Scocie · ceteris[que] prelatis inferioribus apud Perthe in Eccleſia Fratrum Predicatorum in craſtino Sancti · P · proxime futuro pro Generali Conſilio celebrando congregatis Salutem · Sciatis quod facimus et conſtituimus per preſentes · B · et · C · et juris ciuilis profeſſores dilectos et fideles noſtros procuratores noſtros legitimos · Dantes eiſdem coniunctim et diuiſim plenariam poteſtatem et ſpeciale mandatum ad proponendum et oſtendendum in Conſilio noſtro [*l* · ueſtro] celebrando ea que pro nobis et ſtatu regni noſtri ſtatuque veſtro et Eccleſie Scoticane vobis eis iniunximus declaranda Et ſpecialiter ad proteſtandum et ſi neceſſe fuerit ad appellandum quod nichil per vos in dicto Conſilio ſtatuatur quod verti poterit in preiudicium noſtre Regie Maieſtatis · Ratum et gratum habentes et habituri quicquid per dictos procuratores noſtros uel eorum aliquem coram vobis dictis die et loco actum fuerit in premiſſis ·

Capitulum lxx · Litera compulcionis pro iure eccleſiaſtico ·

Rex juſticiariis vicecomitibus prepoſitis et eorum balliuis ceteriſque fidelibus ſuis vniuerſis · ad quorum noticiam preſentes etc · Vniuerſitati veſtre tenore preſencium declaramus quod non [ſit] noſtre intentio voluntatis cum fideles noſtros de terris ſeu redditibus quantumcunque infeoda[uer]imus

aliquid detrahere minuere uel auferre de terris ſeu redditibus · canis · uel cenſubus annuis Deo et Eccleſie ac perſonis eccleſiaſticis per nos ſeu predeceſſores [noſtros] Reges Scocie ſeu quoſcunque alios de regno noſtro deuote collatis · Set pocius volumus quod tales infeodaciones per nos facte ſeu decetero faciende nullum preiudicium Deo et Eccleſie ſeu perſonis eccleſiaſticis generent in futurum · quominus terris redditibus · canis · cenſubus annuis vnacum arr[er]agiis de quibuſcunque ter[min]is retroactis gaudere valeant ut ſolebant · Quare vobis omnibus mandamus et precipimus · quatinus cum per venerabilem patrem · J · Dei gracia Epiſcopum de · A · uel eius actornatos fueritis requiſiti tam per nos infeodatos ut ſupradictum eſt quam alios terrarum dominos vel tenentes qui a dicto Epiſcopo firmas redditus · canos · uel cenſus annuos debitos cum arreragiis ſupradictis ſoluere contradicunt prout dictus Epiſcopus uel eius actornati dictas firmas et cetera · cum eiſdem arreragiis ſibi deberi ab eiſdem racionabiliter probare poterit uel poterint coram vobis prout iuſtum fuerit compellatis · Ita quod pro veſtro defectu et cet ·

Capitulum lxxvii . Litera inhibicionis pro monaſterio nimis ſuppreſſo ·

Rex omnibus etc · ad quos etc · Sciatis quod cum monaſterium de · A · cuius jus patronatus ad nos ſpectare dinoſcitur propter ſuperfluitatem ſuperueniencium in paupertatem incidit ut intelleximus · In eorum auxilium ſubſidium et releuacionem · A · de · L · ex parte noſtra more ſolito regni noſtri janue ſue conſtituimus cuſtodem vt preter religioſos et pauperes quos Abbas et conuentus duxerint admittendos ibidem aliqui non recipiantur ſuper noſtram plenariam foriſſacturam · Preſentibus etc ·

Capitulum lxxix · Litera Regis de donacione terre Epiſcopo pro iniuria ſibi perfecta ·

Rex omnibus etc · Quia venerabilis pater · J · Dei gracia Epiſcopus de A · nos et homines no ros ab omni ſentencia excommunicacionis ſi quam

incurrimus abſoluit remiſſis per eundem tam nobis quam hominibus noſtris quibuſcunque omnimodis dampnis · iniuriis ſeu grauaminibus illatis per homines noſtros tempore guerre ſibi et Eccleſie ſue ſupradicte terris ſuis elemoſinatis et hominibus in eiſdem · Nos in recompenſacionem dampnorum · jacturarum · iniuriarum et grauaminum illatorum de gracia ſpeciali dedimus et conceſſimus per preſentes Epiſcopo prefato totam terram de · F · cum ſuis iuſtis pertinenciis et bonis omnibus de dicta terra prouenientibus ibidem inuentis quandocunque de ipſo contigerit humanitus volentes et concedentes puro corde quod parentes et amici Epiſcopi memorati dictam terram et bona firmas et redditus eiuſdem habeant teneant et poſſideant et in tales vſus conuertant poſt mortem Epiſcopi ſicut probari poterit quod idem Epiſcopus in vita ſua de terra et bonis predictis plenius ordinauit · Cuius ordinacionem ratam habemus ex nunc et ratam haberi volumus quouſque Epiſcopus ſucceſſor eiuſdem nobis aut heredibus noſtris ſecundum leges et conſuetudines regni fidelitatis fecerit iuramentum · Quare firmiter prohibemus ne quis futuris temporibus contra hanc conceſſionem noſtram aliquatenus venire preſumat · In cuius rei etc ·

Mandatum Epiſcoporum regni Scocie ·

[v.] Omnibus ſancte matris eccleſie filiis · preſens ſcriptum uiſuris · uel audituris · Dauid · et Albinus Dei gracia Sancti Andree · et Brehynenſis · Epiſcopi · et Magiſter Abel · capellanus Domini Pape · et Archidiaconus Sancti Andree · Salutem eternam in Domino · Mandatum Epiſcoporum regni Scocie in hec uerba inſpeximus · ℂ Excellentiſſimo domino ſuo · A · Dei gracia illuſtri Regi Scocie · Dauid · Willelmus · Petrus · Clemens · Albinus · Robertus · Willelmus · Sancti Andree · Glaſguenſis · Aberdonenſis · Dunblaynenſis · Brehynenſis · Roſſenſis · Katenenſis · eccleſiarum miniſtri · Salutem · et fidelia ſemper obſequia · ac deuota · Licet ea que in ultimo Concilio apud Eddenburc celebrato · vobis · ac

magnatibus ueſtris preſentibus ordinata fuerant minime fuerint in ſcripturam redacta · ea tamen a conſiliariorum ueſtrorum memoria intercidiſſe non credimus · Videlicet quod eccleſie · et earum prelati omnium jurium et libertatum pacifica poſſeſſione gauderent · que tempore felicis memorie Regis Alexandri patris ueſtri optinuerunt ſaluo jure ueſtro · et veſtra poſſeſſione in omnibus · Verum jam quiddam nouum et in regno Scocie a retro temporibus inauditum · a ueſtris eſt conſiliariis introductum · vt uidelicet perſone eccleſiaſtice poſſeſſionibus · eccleſiis eorundem in elemoſinas conceſſis non interueniente judiciali cognicione ſuorum prelatorum per laicos ſpolientur · Vt nuper de Priore Sancti Andree audiuimus contigiſſe . Cum autem hec et hiis ſimilia · contra Deum · et eccleſiaſticam libertatem attemtata ſub diſſimulacione tranſire non debeant · Excellencie ueſtre humiliter ſupplicamus · ac deuote · quatinus quod in bonis dicti Prioris irreuerenter eſt et incaute preſumptum · diſcrecione preuia reuocantes · conſimilia decetero fieri ſi placet nullatenus permittatis · Alioquin nos pocius quibuſcunque periculis exponemus · quam ſuſtinere uelimus in poſterum tam ineſtimabilem eccleſie leſionem · Valeat Excellencia ueſtra ſemper in Domino · ¶ In cuius rei teſtimonium preſenti ſcripto ſigilla noſtra apponi fecimus ·

Mandatum Innocentii Pape de gravaminibus eccleſie Scoticane emendandis ·

[VI.] Innocentius Epiſcopus etc · venerabilibus fratribus Lyncolnienſi · Wygornienſi et Lyccheſeldenſi Epiſcopis ſalutem et apoſtolicam benedictionem · Clamat in auribus noſtris eccleſia Scoticana et adverſus eos qui fidelem Scocie videntur regere populum et heredem illius Chriſtianiſſimi Regis adhuc impuberem optinere ſue poteſtati ſubjectum · multiplicem ſe habere proponit materiam queſtionis · Et caritativa quidem in illos primum querela dirigitur pro Rege puero et pro regno · quod videlicet eidem Regi pupillo bene non conſulunt dum thronum ejus novi aulici aſcendentes · amotis ſanitatis conſiliis quibus providus eum ſuffulſerat vivens adhuc

patrius affectus · juſtitia et judicio non conformant nec in ſua regnum ipſum integritate conſervant · dum iidem novi aulici novis conſiliorum machinis eccleſiaſticam impetunt libertatem · quam profecto qui violant principum robur quo fides viget Catholica et Regia dirigitur celſitudo confringunt Inter cetera que in derogationem eccleſiaſtice poteſtatis in partibus illis miniſtri regni et locorum domini poſt obitum clare memorie Regis Scottorum quem fides et libertas eccleſie Chriſtianiſſimum habuit defenſorem ſub Rege tenere indolis attemptare dicuntur nemini videri non debet abſonum et abſurdum ac divini et humani judicii animadverſione plectendum quod cum eccleſiarum prelati excommunicationis vel interdicti ſeu ſuſpenſionis ſententias ob contumaciam seu offenſam proferunt in ſubjectos · ad eos ut hujuſmodi ſententias revocent litteratoria ſub nomine Regis juſſa manant · qui niſi preceptioni paruerint ad id per bonorum ſuorum confiſcationem ſacrilegam compelluntur · ſicut aliquibus ejusdem regni Epiſcopis dicitur contigiſſe · Et ſuper poſſeſſionibus quoque ſeu rebus quas in jus divinum pia contulit largitas devotorum · clerici per Regia trahuntur edicta contra cleri privilegium ad judicium ſeculare nec audiuntur jus pupplicum allegantes · ſicque per judicis incompetentis injuriam non nunquam eccleſie ſuis poſſeſſionibus ſpoliantur · Et preterea cum aliquibus poſſeſſionibus eccleſiis in elemosinam a laycis perpetuam donatis in quibus nihil ſibi preter exercitum ad defensionem regni et commune auxilium retinent donatores · iidem miniſtri et alii layci eorum favore suffulti per adjectionem hujuſmodi predictas poſſeſſiones laicantes fore cenſentes eas in omnibus paris conditionis efficiunt cum poſſeſſionibus laycorum · et in divini juris diſpendium interpretatione perverſa donatorum munificentiam reſtringentes layce ſubiciunt ſervituti · Non attendentes quoque quod laycis quantumlibet religiosis de rebus eccleſiaſticis nulla eſt poſſibilitas diſtribuendi attributa · eccleſiaſtica predia invitis et contradicentibus dominis limitare propria temeritate · et de ipſorum finibus in quorum poſſeſſione pacifica eccleſie fuiſſe noſcuntur per tempora longiora · ſequentes interdum perjuria laycorum qui clericis opido ſunt infeſti · proferunt pro laycis contra clericos iniqua judicia · que tan-

dem per ſpoliationis violentiam exſequuntur · Porro de jure patronatus quod ſit ſpiritualibus cauſis annexum nemo fere non novit · ſed licet per hoc quod explorati ſit juris illud ad judicium eccleſiaſtici examinis pertinere de generali et juri conſentanea regni predicti conſuetudine ſit optentum · id tamen ibidem novis convіciis uſurpatur a layeis · et ut ſuper hoc cum de illo agendum fuerit ad forinſecum recurratur judicium jam ex parte Regia eſt puplice proclamatum · Fidei vero ac juriſjurandi judicium quis abnuat inter ſpiritualia negotia niſi quis de fide ſcincera non ſenſerit computandum · et cum carne ſe in hac parte ſpiritui contumaciter preferente ceperunt in partibus veſtris Regia ſcripta diſcurrere per que in Regis notam regnique jacturam ne quis ad obſervationem juramenti vel fidei per cenſuram eccleſiaſticam cogatur inhibetur . Sane licet de antiqua ejuſdem regni conſuetudine introductum et velut humane diſcipline conſonum pacifice uſque ad hoc tempus obſervatum ut prelati quandam penam infligant pecuniariam pro delictis que ad cenſuram eccleſiaſticam noſcuntur pertinere cum delinquentes non proſpexerint ſpirituali gladio quo non eſt pena ſeverior feriendos · jam regni predicti magnates et alii temporali prediti poteſtate conſuetudinem immutare volentes laudabilem ſubditis ſuis ne hujuſmodi pene pareant interdicunt · Ad ea inſuper que ab humani jure dominii divine poteſtatis auctoritas abdicavit miniſtrorum ſui cultus uſibus profutura · preſumptuoſa nimis atque dampnabilis eorundem magnatum prorogatur audacia · de feno · molendinis · paſcuis decimas ſolvi eccleſiis interdicens · Si qui vero ſuper hiis preſtandis in judicium coram eccleſiaſticis judicibus evocantur · actores proſequi jus divinum aut judices ſuper eo juſtitiam exhibere poſcentibus miſſa ſub nomine Regis edicta prohibitoria non permittunt · quin potius hoc ſub gravis pene interminatione propoſita iidem judices coguntur jam rite prolatas nuper ſententias revocare · Clerici vero uxorati ejuſdem regni qui clericalem deferentes tonſuram clericali gaudere ſolent privilegio et cum bonis ſuis ſub eccleſiaſtice protectionis manere preſidio ab antiquo · ſolite immunitatis beneficiis exuuntur et ſub nova rediguntur onera ſervitutis · Verum ne parum

illis eſſet per hoc in Scoticanam eccleſiam deliquiſſe peccatum adjecerunt non ſatis veniale in Romanam · dum plenitudinem poteſtatis qua Deus Sedem Apoſtolicam predidit quantum in ipſis eſt vacuare conantes clericos literarum noſtrarum impetratores et judices delegatos a nobis ab agendo vel cognoſcendo commiſſa tractare negotia prolatis Regiis prohibitionibus et interminationibus non permittunt · in ejuſdem Sedis intolerabilem injuriam et contemptum · Verum quum paſtorum intereſt precipue pro ſalute gregis et pro decore libertatis eccleſie ſe obicere aſcendentibus ex adverſo · nonnulli de clero ut concuſſis columpnis edificium corruat adverſus pontifices ſuos impias ut dicitur inter ſe colligationes et conſpirationes innectunt in periculum eccleſiaſtici ſtatus et ordinis et ſuarum perniciem animarum · Gravia ſunt hec nec ſine culpa poſſunt incorrecta relinqui vel diſſimulatione aliqua preteriri · que quidem · ex eo precipue quod in quibuſdam religioſis et clericis cooperationis habere dicuntur favorem a quibus in laycos quos ſalutaribus remediis a tantorum peſte morborum curare debuerant corruptela producitur · zelum excitant ſalutifere ultionis et tempeſtivum ſuadent medicine antidotum preparari · ne in Regis diſpendium · quem etatis infirmitas ut dicitur iſta non capiens excuſare quodammodo videtur a culpa et in actores ejus retorquere delictum · necnon in detrimentum regni · lapſum fidei et ruinam Catholice libertatis · premiſſa malorum initia per moroſam tolerantiam in illis Chriſtiane ſcinceritatis ipſis invaleſcant · Cum enim qui talia nequiter agunt vel agenda ſuadent non ſit incerta dampnatio et promptum in eos apud Deum dure animadverſionis judicium non dormitet · paſtoralis ſollicitudinis zelus tunc in eis miſeretur et commodat cum in plectendis culpis eorum ſeverius excandeſcit · Quare fraternitati veſtre per Apoſtolica ſcripta diſtricte precipiendo mandamus quatinus conſiliarios · officiales · miniſtros Regis regnique ejuſdem magnates et alios tam religioſos et clericos quam laycos hec et hiis ſimilia preſumentes eorumque fautores qui necligenter cum poſſent perturbare perverſos fovere videntur · [ut] preſumptiones predictas in ſtatum debitum ſine more diſpendio ſtudeant

revocare et a consimilibus prorsus abstineant in futurum · non impedientes ullo modo per se vel alios vel impediri quantum in eis sit permittentes ecclesiarum rectores et clericos super premissis et aliis uti pacifice jurisdictionibus libertatibus et immunitatibus in temporalibus suis bonis juxta constitutiones canonicas et civiles ac consuetudines approbatas · per excommunicationem in personas et interdictum in terris si layci fuerint quacunque etiam dignitatis vel potestatis eminentia prefulgentes · si vero clerici cujuscunque dignitatis gradus vel ordinis per privationem vel suspensionem perpetuam a prelationibus dignitatibus et beneficiis ecclesiasticis · auctoritate nostra sublato cujuslibet appellationis obstaculo · de plano et absque judiciorum strepitu quotiens expedierit vel oportuerit et super hoc requisiti fueritis · compellatis · Prelatos nichilominus et clericos sepefati regni quos laycorum ad opprimendam totaliter ecclesiasticam libertatem et clerum quandocunque nunc vel in posterum contra solempnitatem judiciariam constiterint intentores · nisi hoc celeriter emendare curaverint moniti competenter cum literis nostris causam ipsorum contingentibus personaliter infra peremptorium terminum eis prefigendum a vobis ad Sedem Apostolicam ab officiis beneficiisque suspensos venire cogatis · prout egerint recepturos · Subditos quoque quos contra prelatos conspirationis facinus deprehenderitis admisisse pena canonica punientes · non obstante si aliquibus eorum forsitan sub quacunque forma uberiori generaliter vel specialiter a Sede Apostolica sit indultum quod excommunicari vel suspendi non possunt vel ipsorum terre subici ecclesiastico interdicto · seu quavis alia dicte Sedis indulgentia per quam commisse vobis jurisdictionis executio impediri valeat vel deferri · et de qua plenam et expressam in literis nostris fieri mentionem oporteat · seu constitutione de duabus dietis edita in Concilio Generali · sive quod Scotis dicimur concessisse ut extra regnum Scotie nequeant per literas Apostolicas ad judicium evocari · Et si non omnes hiis exsequendis potueritis interesse duo vestrum nichilominus ea exsequantur · Datum Janue pridie Kalendas Junii · pontificatus nostri anno octavo · Deo gratias ·

[Epiſtola Jacobi I. Regis Scotorum ad Thomam abbatem de Doundranan, lecta in congregatione Sancroſancti Concilii Baſileenſis die Veneris XIV. Auguſti MCCCCXXXIII.]

[VII.] Jacobus Dei gratia Rex Scotorum venerabili patri in Chriſto Abbati de Doundranan ſalutem. Noſtro reſidet in animo illa crebra inductio, qua Sacroſanctum Concilium Baſileenſe eccleſiam repræſentans univerſalem, pro reformatione morum in clero et populo Chriſtiano ac diſcordia inter Principes Catholicos ſedanda, Spiritu Sancto congregatum, ad mittendum noſtros Oratores ad tam ſanctam rem perficiendam monitionibus paternis et exhortationibus ſalutaribus nos invitavit. Perpendentes itaque, quod ſi recte inſpicitur, ad quæ invitamur, nec res honeſtior, nec juſtior, nec oportunior, nec magis neceſſaria, nec denique Principi Catholico dignior aut deſiderabilior eſſe aut reperiri poſſet; etſi viarum diſcrimina, et periculoſus tam per terram inimicorum quam maria tranſitus, et alia quæ ſilentio duximus prætereundum, quod nondum dictos Oratores miſimus, nos utique forſitan hactenus excuſarunt; ſic vires noſtras et operas efficaces hujuſmodi Oratores mittendo jam adhibere curabimus, quod de cetero excuſatio nulla locum obtinebit. De veſtris igitur ſcientia et diſcretione, plurimum etiam per veſtra ſcripta ad hoc nos excitando, plenam obtinentes fiduciam, ad exponendum in dicto Concilio præſidentibus ejuſdem tam ſanctum propoſitum, non abſque Spiritus Sancti inſpiratione inchoatum, ut felicem et beatum habeat progreſſum, noſtras devotionem, inclinationem et pro viribus aſſiſtentiam, ac noſtræ Ambaſſiatæ celerem et indubium adventum, plenam per noſtras præſentes litteras patentes vobis tribuimus facultatem. Datum ſub noſtro privato ſigillo apud Edemburg XXII. die menſis Junii MCCCCXXXIII.

Commiſſio ad comparendum pro Rege [Scotorum] in Concilio Baſilienſi pro incorporacione Regis [et Regni Scotie] ad extirpacionem hereſium ·

[VIII.] Jacobus etc · Vniuerſis et ſingulis ad quorum noticiam preſentes litere peruenerint ſalutem Noueritis quod de fidelitate circumſpeccione et ſcientia reuerendorum in Chriſto patrum et venerabilium virorum Johannis Glaſguenſis Johannis Brechinenſis eccleſiarum epiſcoporum et conſiliariorum noſtrorum necnon et Johannis de Melros Thome de Dundranane monaſteriorum abbatum Donaldj Macnachtane Nicholai de Atholia eccleſie Dunkeldenſis decani et precentoris [Johannis . . . . et Dauid . . . .] noſtrorum fidelium plenam obtinentes fiduciam ipſos noſtros ac regni noſtri Ambaxiatores ac Oratores ſolempnes facimus conſtituimus et tenore preſencium ordinamus dantes et concedentes eiſdem Johanni Johanni epiſcopis Johanni Thome Donaldo Nicholao Johanni et Dauid et eorum ſeptem ſex quinque quatuor tribus aut duobus auctoritatem poteſtatem et noſtrum ſpeciale mandatum pro nobis ac regno noſtro in Sacroſancto Concilio Baſilienſi in Spiritu Sancto legitime congregato eccleſiam vniuerſalem repreſentanti comparendum noſque ac dictum regnum noſtrum eidem Sacro Concilio incorporandum ac in hiis que ad extirpacionem hereſium populique Chriſtiani pacificacionem et reformacionem morum concernunt ac concernere poterint cum Spiritus Sancti gracia vnacum aliorum Chriſtianorum Regum et regnorum Ambaxiatoribus communicandum auiſandum tractandum et pro nobis ac dicto regno noſtro concludendum et determinandum et generaliter omnia alia et ſimilia faciendum et exercendum que circa predicta neceſſaria fuerint ſeu eciam oportuna et noſmet faceremus ſi perſonaliter in predictis intereſſemus Ratum et gratum habentes et habituri totum et quicquid prefati regni Ambaxiatores ſeu Oratores ſolempnes ſeptem ſex quinque quatuor tres aut duo ipſorum pro nobis ac regno noſtro in predictis duxerint faciendum In cuius rei teſtimonium etc ·

[Epiſtola Mariæ Scotorum Reginæ, Franciæ Dotariæ, ad Sacroſanctam Synodum Tridentinam. XVIII. Martii MDLXIII.]

[IX.] Maria Dei gratia Scotorum Regina, Franciæ Dotaria etc. Sacroſanctæ Synodo Tridentinæ ſalutem. Reverendiſſimi Patres, ab indictione iſtius Sacri Concilii nihil magis nobis aſſidue in anima fuit quam illuc nonnullos mittere noſtri regni Prælatorum, cum pro noſtro officio, prout devotiſſima Catholicæ Eccleſiæ filia, tum pro fructu, quem eoſdem omnibus noſtris ſubditis inde, ad Maximam Sanctam Sedem Apoſtolicam digne recognoſcendam, relaturos exiſtimaremus. Tamen hujus temporis tanta fuit injuria ut non modo noſtri regni Antiſtites iſtuc proficiſci non ſinit, ſed etiam (quod ſine magna moleſtia ferre non poſſumus) noſtros ipſos mittendi Legatos vires facultatemque adimit. His igitur de cauſis a Reverendiſſimo atque Illuſtriſſimo Lotaringio Cardinale, avunculo noſtro cariſſimo, cui rerum noſtrarum ſatis notus eſt ſtatus, per litteras poſtulavimus ut Paternitatibus veſtris ea quæ ſunt nobis impedimento, quæque ſibi de noſtra perpetua mente in ejuſdem Sedis obſervantia et ſubmiſſione pluribus ſcripſimus, deferat latiuſque explicet, ſuper quibus eaſdem veſtras Paternitates fidem adhibere rogamus. Datum apud Sanctum Andream XVIII. die menſis Martii, anno ab Reſurrectione Domini CIↃ.IↃ.LXIII.

MARIA R

[Congregatio Generalis Sacroſancti Concilii Tridentini habita pro litteris Mariæ Scotorum Reginæ, Franciæ Dotariæ, ad idem Sacroſanctum Concilium legendis. X. Maii MDLXIII.]

[X.] Die Lunæ X. Maii hora XXI. fuit Congregatio Generalis, cui adfuerunt tres illustriſſimi Legati ac illuſtriſſimi Cardinales de Loreno et Madruccius, ac Reverendiſſimi Patres cum Oratoribus Cæſareis, Regum Galliæ,

Poloniæ, Ducis Sabaudiæ, Venetiarum et Helvetiorum; in qua lectæ fuerunt litteræ Mariæ Reginæ Scotiæ ad Sacroſanctum Concilium, quibus ipſa ſemet excuſabat, quare ad tam celebre et univerſale Concilium hoc Tridentinum non miſiſſet et Epiſcopos regni ſui et Oratores, prout fecerant alii tum Reges tum Principes Chriſtiani: aſſeverans id eveniſſe propter multa impedimenta in regno ſuo exorta ex controverſiis religionis cauſa inter Catholicos et Hugonottos: promittens nihilominus eiſdem litteris omnem obedientiam, obſervantiam et religionem erga Romanam Sedem Apoſtolicam et Concilium hoc Generale Tridentinum. Poſtremo dixit ſcripſiſſe ſe quamplurima ad illuſtriſſimum Cardinalem a Lotharingia avunculum ſuum, quæ referre debuiſſet ſuo nomine Œcumenico Concilio. Quibus lectis, præfatus Cardinalis a Lotharingia habuit verba ad Patres, in quorum exordio demonſtravit proſapiam ipſius Reginæ Mariæ, necnon quanta operata eſſet in regno ſuo pro manutenenda religione Chriſtiana: deinde oſtendere conatus eſt, unum, quod Epiſcoporum qui ſunt in regno Scotiæ aliqui erant in regno Galliæ; ſperabatque, Deo favente, brevi tempore acceſſuros ad Sacroſanctum hoc Generale Concilium. Alii vero erant in dicto regno Scotiæ, qui continuo apud Reginam ipſam aſtabant, ut conſilio et operibus in tam arduis negotiis regni præſto eſſent, et a qua ſine maximo periculo et regni et vitæ ipſius Reginæ abeſſe non poterant. Alterum vero fuit quod conatus eſt [oſtendere] ſummum ſtudium ipſius Reginæ, quod habet huc mittendi ejus regni Oratores, ne et ipſa officio deeſſe videretur, quod ipſi incumbebat pro tuenda religione. Quibus verbis habitis, brevi ſermone reſponſum fuit per Dominum Secretarium Concilii omnibus ſupra ſcriptis, oſtendendo gratiſſimum fuiſſe Sanctæ Synodo omne id quod Regina ſuis litteris pollicita fuiſſet. Quibus peractis, diſmiſſa fuit Congregatio, aliaque indicta pro die Mercurii XII. ut Reverendiſſimi Patres proferant ſententias ſuas ſuper abuſibus de Sacramento Ordinis.

[XI.] [Fragmentum Codicis in Publicis Archivis Scotiae affervatum, in quo continentur Rubricae quorundam Statutorum in noviffimis Conciliis Provincialibus Ecclefiae Scoticanae editorum]·

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Page 3, no. i. *Bulla Pape Honorij.*

The General Council referred to is the Fourth Lateran A.D. 1215. The Bull copies from its sixth chapter: 'Metropolitani singulis annis . . . provincialia non omittant concilia celebrare, in quibus de corrigendis excessibus, et moribus reformandis . . . diligentem habeant cum Dei timore tractatum, canonicas regulas, et maxime quæ statutæ sunt in hoc Generali Concilio, relegentes, ut eas faciant observari.'—(Labbei et Cossartii Concilia, t. xi. coll. 153-156. edit. Lutet. Paris. 1671.)

Page 5, no. iv. *Forma excommunicationis.*

Forms of excommunication.

This would seem to be the form of Excommunication used in the diocese of Aberdeen in the thirteenth or fourteenth century. It may be compared with the Provincial Statutes 44, 47, 50-52, and the Synodal Statutes 69, 78, in this volume; with the form used at the Synod of Oxford A.D. 1222, in Wilkins' Concilia Magnæ Britanniæ et Hiberniæ, vol. i. p. 585; with the Synodal Constitutions of the Sudreys and Man A.D. 1291-2, chap. xxiv., in Dugdale's Monasticon Anglicanum, vol. v. p. 254. edit. 1846; with an English form, apparently of the thirteenth century, engrossed in the Registrum de Dunfermelyn, pp. 142-144; and with the seven ancient forms printed by Dom Martene, De Antiquis Ecclesiæ Ritibus, lib. iii. cap. iv., vol. ii. coll. 903-912. edit. 1736.

Page 6, no. v. *Excommunicacio generalis.*

This was the form of Excommunication used in the diocese of St. Andrews towards the end of the fifteenth century. Compare it with the form in use in the same diocese in the fourteenth century, no. 163 pp. 71, 72; with the somewhat earlier form used in the diocese of Aberdeen, no. iv. pp. 5, 6; with the form used by the Archbishop of Glasgow in excommunicating the Border thieves in 1525, in the State Papers of King Henry VIII. vol. iv. part iv. pp. 416-419; and with the form used in Ireland in 1534 in excommunicating the murderers of the Archbishop of Dublin, printed in the State Papers of King Henry VIII. vol. ii. part iii. pp. 217-219.

Forms of excommunication.

Page 9, line 2: *ut Ysodorus ait;* line 6: *sicut dicit Beatus Gregorius Papa.*

The quotations from St. Isidore of Seville (Origin. seu Etymolog. lib. vi. cap. 16), and from St. Gregory the Great (Registr. Epist. lib. i. ep. 24), are taken from Gratian's Decretum, 15 dist. cap. 1: 'Canones;' cap. 2: 'Sicut.'

Page 10, no. 3. *De fide Catholica.*

Compare the Synodal Statutes of the Sudreys and Mau A.D. 1350-1, chap. ii. in the Monast. Anglican. vol. v. p. 255.

Page 10, no. 4. *De sacramentis obseruandis.*

Compare the Synodal Statutes of the Sudreys and Man A.D. 1350-1, chap. ii. in the Monast. Anglican. vol. v. p. 255.

Page 11, no. 5. *De ecclesiis edificandis.*

Compare the Synodal Statutes of the Sudreys and Man A.D. 1350-1, chap. iii. in the Monast. Anglican. vol. v. p. 255.

Page 11, no. 6. *De capellis non construendis.*

Chapels and Oratories.

The reference 'secundum sacros canones,' at the end of the first sentence of this statute, is probably to Gratian's Decretum iii. dist. 1. cap. xviii: 'Ecclesiæ vel altaria, quæ ambigua sunt de consecratione, consecrentur, et superflua altaria destruantur.'

The statute in the text only prohibited what had been forbidden by Pope Innocent III. A.D. 1207, by Pope Honorius III. A.D. 1219, by Pope Gregory IX. A.D. 1234, by Pope Innocent IV. A.D. 1246, in bulls granted to the Priory of St. Andrews, the Abbey of Arbroath, and other religious houses: 'ne quis infra metas ecclesiarum uestrarum parochialium sine Diocesani Episcopi et uestro assensu ecclesiam uel oratorium de nouo edificare presumat.'—(Reg. Priorat. S. Andree, pp. 85, 87, 93; Reg. Vet. de Aberbroth. p. 159; Reg. de Passelet, pp. 311, 413; Reg. de Dunferm. p. 177.) Pope Lucius III., A.D. 1182, forbade the erection even of hermitages or anchorites' cells in the graveyards belonging to the monks of Dunfermline, without their consent: 'nulli omnino ecclesiastice secularive persone liceat . . . heremum inclusorum vobis reclamantibus in cimiteriis vestris ordinare.'—(Reg. de Dunferm. p. 155.)

The Chartularies are full of provisions for the protection of parish churches against the withdrawal of ecclesiastical dues to chapels built in the castles of the king and his barons, or in distant and populous hamlets. The earliest on record seems to be the deed regulating the rights of the parish church of Eccles or St. Ninian's, and the chapel in the castle of Stirling built by King Alexander I. between 1107 and 1124.—(Reg. de Dunferm. pp. 8, 9.) See other instances in Dr. Raine's North Durham, app. p. 82 nn. ccccxlvii. ccccxlviii., p. 112 no. dcxlix., p. 113 no. dclii.; Reg. Episc. Glasg. vol. i. pp. 41, 48, 61, 68, 69, 72; Reg. Episc. Morav. pp. 17, 69, 70, 273, 274; Lib. S. Marie de Dryburgh, pp. 19-22, 32-34; Reg. Priorat. S. Andree, pp. 280, 319, 320, 321, 322, 324, 328, 396, 397; Reg. de Passelet, pp. 77, 78; Reg. Vet. de Aberbroth. pp. 86, 209. Cf. Monast. Anglican. vol. v. p. 256; Hist. Dunelm. Script. Tres, app. no. l. p. lxviii. (Surtees Soc. 1839.)

Great size of Scottish parishes.

These provisions must have helped, with the statute in the text, to prolong an evil in the Scottish church, which comparison with the English church made obvious even to Scottish eyes. Thus John Mayr, writing A.D. 1521, confesses: 'Politiæ ecclesiasticæ Anglicæ Scotica non est comparanda. Sacerdotes musicæ imperitos Episcopi creant, qui saltem cantum Gregorianum scire deberent. Nonnunquam ad eandem ecclesiam parochialem xxx. vici multum distantes spectant, itaque iv. aut v. et nonnunquam decem mille passibus ab ecclesia parochiali vicus distat. In dominorum tamen sacellis vicinis rem divinam audire possunt, quia sacellanum vel infimus quisque dominus nutrit, et plures secundum ejus opes et apparatus.'—(De Gest. Scot. lib. i. p. 20. edit. 1740.)

More than three centuries before, Pope Urban III., in a bull addressed to the Bishop of Glasgow (A.D. 1185-1187), had written: 'Ad apostolatus nostri noueris audientiam peruenisse, quod, propter raritatem ecclesiarum in plerisque locis tui episcopatus, grauia nonnunquam contingunt pericula animarum, ita quod pueri frequenter sine baptismo, adulti sine confessione uel eucharistie perceptione, decedunt: vnde instatur a pluribus ut edificandi ecclesias uel capellas licentiam largiaris: constructas etiam ecclesias consecrari et cimiteria iidem postulant benedicj: Quum igitur de uniuersorum salute fidelium et ecclesiarum ordinacione paterna tenemur sollicitudine cogitare, fraternitati tue auctoritate apostolica indulgemus, ut eos qui tibj in talibus maliciose duxerint resistendum appellacione remota per censuram ecclesiasticam ualeas cohercere, et

iuxta commissum tibi officium, salua indempnitate uicinarum ecclesiarum, quod postulatur impendas: siquidem etiam absque auctoritate episcopali in antiquarum ecclesiarum preiudicium aliquibus temporibus presumptum inueneris per tuam prouidentiam sullato appellacionis obstaculo corrigatur.'—(Reg. Episc. Glasg. vol. i. p. 61.)

The Reformation only aggravated the evil. Dr. John Forbes of Corse, writing in 1631, complains that 'parochiæ, olim tolerabiles, nunc, proh dolor, stimulante avaritia, per combinationes, et contrinationes, ad se invicem ita collisæ sunt, ut earum unicus præfectus, dum multa agit, nihil peragat.'—(Theolog. Moral. lib. viii. par. iii. cap. xiii. par. ii., Opera, t. i. p. 206.)

Page 12, no. 8. *De honestate clericorum.*

Every parish church to have its rector or vicar. This statute is referred to in the deed by which William of Deyn, bishop of Aberdeen, A.D. 1345, erected a perpetual vicarage, endowed with ten merks a year, in the parish church of the town of Aberdeen: 'Licet tam de iure communi quam statuto Concilij Scoticani constitutum fuerit ab antiquo et in plerisque locis de consuetudine approbata hactenus obseruatum quod quelibet ecclesia parochialis proprium rectorem habeat seu vicarium perpetuum in loco residentem cuius sollicitudine et discretione cura animarum diligenter exerceatur et ipsi ecclesie laudabiliter deseruiatur in diuinis.'—(Reg. Episc. Aberd. vol. i. p. 77.)

Page 12, no. 9. *Quod vicarij sufficientem habeant sustentacionem.*

Vicars' stipends. In the year 1326, John bishop of Glasgow appointed the vicar of the parish church of Maxtoun, in the deanery of Teviotdale, to have a stipend of ten pounds sterling a year 'secundum statutum Concilij Scoticani.'—(Lib. S. Marie de Dryburgh, p. 247, no. 297.)

Page 12, no. 10. *De ornatu clericorum.*

Compare Gratian's Decretum, caus. xxi. qu. iv. cap. 1: 'Omnis;' cap. 5: 'Præcipimus.' Compare also statutes 176, 180, pp. 89, 91, made in the Provincial Council of Edinburgh A.D. 1549, and statute 267, p. 157, made in the Provincial Council of Edinburgh A.D. 1558-9.

Tartan. The prohibition of 'panni virgati' has been cited as proof that 'tartan' was a distinctive dress in Scotland in the thirteenth century. But the prohibition was not peculiar to Scotland. A glance at Du Cange, *v.* 'Virgatus,' will show how common it was throughout Europe.

Page 13, no. 12. *De mansionibus beneficiatorum.*

Manses. Compare the Synodal Statutes of the Sudreys and Man A.D. 1350-1, chap. iv. in the Monast. Anglican. vol. v. p. 256.

In an agreement, A.D. 1220, between the Bishop of Glasgow on the one hand, and the Canons of Jedburgh on the other, as to the churches belonging to the Canons in the diocese of Glasgow, it was stipulated 'ut Canonici honestas faciant casellas ad singulas ecclesias suas iuxta easdem si fieri potest ubi Episcopus possit hospitari, nisi vicarie ualeant decem marcas uel excedant, et tunc eas faciant vicarij.'—(Reg. Episc. Glasg. vol. i. p. 97.)

Page 13, no. 13. *Quod noui census non imponantur ecclesie.*

Compare the Third Lateran Council A.D. 1179, chap. vii. in Labb. et Coss. Conc. t. x. col. 1512; and see it quoted in bulls of Pope Innocent III. A.D. 1207, of Pope Honorius III. A.D. 1220, of Pope Innocent IV. A.D. 1250, of Pope Alexander IV. A.D. 1258-9, in the Reg. Priorat. S. Andree, pp. 85, 87; Reg. Episc. Aberd. vol. i. pp. 18-23; Reg. Vet. de Aberbroth. pp. 171, 172. Compare also the Synodal Statute of Aberdeen, no. 65, p. 36.

Page 14, no. 15. *De clericis ad religionem transeuntibus.*

The meaning of this statute, misapprehended by Lord Hailes, who mistook the 'ann' for the 'obit,' may be explained by the twelfth chapter of the Constitutions of Lyons A.D. 1251:

The ann or annat. 'Statutum est de morientibus, ut reditus suos, a tempore mortis suæ usque ad annum percipiant. De transeuntibus vero ad religionem idem est constitutum'—(Labb. et Coss. Conc. t. xi. col. 2534.)

A statute of the Bishop and Chapter of Murray, A.D. 1224-1242, speaks of the usage as an approved custom of the Scottish Church, and provides a remedy for one of its inconveniences: 'Quoniam sepe contingit in ecclesia nostra ut canonici et confratres nostri ad beneficia uberiora curam animarum habentia vocati perceptione fructuum prebendarum suarum privantur, et impedientibus annualibus decedentium ad quorum beneficia intitulantur per annum integrum de fructibus eorundem beneficiorum nihil penitus percipientes egere vel ere alieno onerari contigerit . . . de consilio et consensu communi duximus statuendum . . . ut quotienscunque hoc contigerit is qui ad beneficium aliquod vocatus fuerit in quo cedens vel decedens vel ad religionem transiens annuale suum habuerit et optinuerit secundum consuetudines approbatas in ecclesia Scoticana, interim omnes fructus prebende sue habeat et integraliter percipiat, scilicet donec ejus beneficii fructus ad quod vocatur percipere et de eis disponere libere liceat eidem.'—(Reg. Episc. Morav. pp. 97, 98.) The right of 'annat' appears to have been extended to all the beneficed clergy of the diocese of Murray A.D. 1242.—(Id. pp. 109, 110.)

The birth and growth of the 'annat' may be traced in the records of the see of Glasgow. Pope Alexander III., A.D. 1161, confirmed a statute by the Dean and Chapter, 'ut prebenda defuncti canonici per integrum annum pauperibus erogetur, aut debita eius pro re honesta contracta creditoribus persoluantur.'—(Reg. Episc. Glasg. vol. i. p. 21.) It was ruled by Bishop Joceline, with consent of the Chapter, A.D. 1176-1177, 'ut cum quilibet canonicus obierit prebenda cuicunque . . . illam ultima voluntate uel ante concesserit per integrum annum relinquatur, sicut eam melius, liberius, quiecius, in vita sua possedit: quod si morte preuentus uel infirmitate prepeditus de rebus suis disponere non potuerit, debitis suis persolutis, residuum inter parentes et pauperes iuxta consilium Episcopi et Capituli diuidatur, ita tamen quod si libros uel vestimenta eclesiastica habuerit, si non diuiserit, ad suam cathedralem ecclesiam deuoluantur.'—(Id. vol. i. pp. 40, 41.)

Compare Sir G. Mackenzie's Observ. on Parl. III. Mary act. iv., in his Works, vol. i. pp. 255, 256.

Page 14, no. 16. *De confessoribus constituendis.*

This statute is transcribed from the fifth chapter of the Constitutions of the Papal Legate, Cardinal Otho, in the Council of London A.D. 1237. The reference, 'quod in quodam Concilio statutum est,' is to the nineteenth chapter of the Council of Oxford A.D. 1222.—(Wilkins' Conc. Mag. Brit. et Hib., vol. i. pp. 558, 651.)

Page 14, no. 17. *De locato et conducto.*

This statute is taken from the eighth chapter of the Constitutions of the Papal Legate, Cardinal Otho, in the Council of London A.D. 1237.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 651.)

Page 15, no. 18. *De cohabitatione clericorum et mulierum.*

This statute is transcribed from the sixteenth chapter of the Constitutions of the Papal Legate, Cardinal Otho, in the Council of London A.D. 1237.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 653.)

The reference to the Decretales Alexandri Pape, is to the Decretals of Pope Alexander III. tit. xi. cap 1.

Compare statutes 23, 54, 63, 82, 101-103, 108, 113, 114, 143, 171-174, 261-264.

Page 16, no. 22. *Ne clerici vel monachi se negotijs immisceant.*

Compare the eighth statute of the Council of Oxford A.D. 1222, in Wilkins' Conc. Mag.

Brit. et Hib. vol. i. p. 586. Compare also statute 127, p. 60; statute 175, p. 89; and statute 266, pp. 156, 157.

One of the laws of King William the Lion (A.D. 1165—A.D. 1214) forbade the Scottish clergy to engage in husbandry or in merchandise: 'Item statuit quod viri ecclesiastici vivant honeste de fructibus redditibus et emolumentis ecclesiarum ita ut non sint husbandi neque pastores neque mercatores.'—(Acts of the Parliaments of Scotland, vol. i. p. 60.)

Page 7, no. 23: *vt clerici beneficiati de cetero domos aut possessiones laicas ad opus concubinarum et filiorum suorum emere non presumant.*

This statute, with the exception of the last clause, is transcribed from the thirtieth statute of the Council of Oxford A.D. 1222.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 590.)

Compare statutes, 18, 54, 63, 82, 101-103, 108, 113, 114, 143, 171-174, 261-264.

Page 17, no. 24. *De interdicto.*

Compare the Third Lateran Council A.D. 1179, in Labb. et Coss. Conc. t. x. coll. 1513, 1514, 1669, 1670, 1691, 1692; Decretal. Gregor. lib. v. tit. xxxiii. capp. iii.-v.; Decretal. Alex. III. tit. xxiii. capp. ii.-iv.

Page 18, no 26. *De immunitate ecclesiarum.*

Compare statutes 67, 94; note, p. 271.

Right of sanctuary.

In the year 1200, King William the Lion brought certain questions as to the right of girth or sanctuary before Pope Innocent III., who returned an answer which limits the right nearly in the words of the statute in the text: 'Quod fugiens ad ecclesiam . . . si liber . . . non est violenter ab ecclesia extrahendus . . . sed rectores ecclesiarum sibi obtinere debent et membra et vitam . . . nisi publicus latro fuerit, vel nocturnus depopulator agrorum, qui, dum itinera frequentat, vel publicas stratas obsidet aggressionis insidiis, ab ecclesia extrahi potest.' —(Decretal. Greg. lib. iii. tit. xlix: 'De immunitate ecclesiarum,' cap. 6.) See above, pp. 236, 237. Cf. Leges Edw. Confess.: 'Si latro est vel raptor . . . et forte fortuitu sic [*sc.* ad ecclesiam pro presidio] sepius confugerit, ablacione reddita provinciam forisjuret, nec redeat. Et si redierit, quisquam eum recipere non præsumat, nisi per consensum justiciariorum Domini Regis.'—(Mr. Thorpe's Anc. Laws and Instit. of Engl., p. 191.)

The exception of the ecclesiastical statute in the text seems to have been repeated almost in the same words in a secular ordinance of unascertained date: 'Istos non saluat ecclesia nocturnos [de] populatores agrorum aut publicos et notorios predones viarum publicarum aut manifestos violatores aut fractores ecclesiarum seu excommunicatos a canone.'—(Act. Parl. Scot., vol. i. p. 388.)

The privileges of sanctuary in Scotland were protected or enlarged by King David I., defined or regulated by King Alexander II., restrained by King James III. and King James V.—(Act. Parl. Scot., vol. i. pp. 8, 71; vol. ii. pp. 95, 96, 99, 248, 348; Act. Dom. Conc. et Sess. vol. iv. fol. 14. MS. Regist. House; Mr. E. W. Robertson's Scot. under her Early Kings, vol. i. p. 258, vol. ii. pp. 47, 48; Sir G. Mackenzie's Observ. on Parl. v. James III. act xxxvi., in his Works, vol. i. p. 208.)

Girths of Inverleithen, Stow, and Tyningham.

There is a remarkable charter by King Malcolm the Maiden giving to the church of Inverleithen in Tweeddale the same right of sanctuary through all its territory which was held by the church of St. Mary of Stow in Wedale, and the church of St. Baldred of Tyningham in Lothian.—(Lib. de Calchou, vol. i. pp. 22, 23, 317; Monum. Hist. Brit. vol. i. p. 73; Wyntown's Chron. vol. i. p. 242; Chron. de Mailros, p. 29.) According to an Irish canon, believed to be of the eighth century, a right of sanctuary required the consent not only of the King and the Church, but of the People: 'Tres personæ consecrant terminum loci sancti; Rex, Episcopus, Populus . . . Terminus sancti loci habeat signa circa se. Synodus dicit: Ubicunque inveneritis signum Crucis Christi ne læseritis.'—

(Capitula Selecta Canonum Hibernensium, lib. xlii. capp. xi. xii. in D'Achery's Veterum Scriptorum Spicilegium, t. ix. p. 39.)

Girths of Lesmahago, Tain, Dull, and Torphichen.

The four crosses which marked the girth of Lesmahago, in Clydesdale, appear in the charter by which King David I. granted that ancient monastery to the monks of Kelso A.D. 1143: 'Quicunque autem propter uite uel membri periculum euadendum ad dictam cellam confugerint, uel infra quatuor cruces circumstantes peruenerint, ob reuerenciam Dei et Sancti Machuti firmam pacem meam concedo.'—(Lib. de Calchou, pp. 9, 10; Robertson's Index to the Missing Charters, p. 24; Mr. Greenshields' Ann. of Lesmahagow, p. 6.) An inquest of the year 1439 speaks of the four crosses which stood at the four corners of the girth of Tain, the sanctuary of St. Duthac, 'that demigod of Ross,' as the English called him.—(Reports on Municip. Corp. of Scot. vol. ii. p. 421; Weber's Battle of Flodden Field, p. 27, l. 512; Orig. Paroch. Scot. vol. ii. pp. 428, 429, 431; New Stat. Acc. vol. xiv. p. 289; Sir R. Gordon's Gen. Hist. Sutherl. p. 64.) It is not many years since the removal of the crosses which guarded the sanctuary of Dull in Atholl, that venerable church which numbered St. Cuthbert among its disciples, the father of our Kings among its abbots, and within whose precinct even the regicide was safe: 'hujus igitur loci pacem infringere nemo audet, quamvis forte Regem vel aliquem præpotentiorem terræ peremisset et illic posset effugere.'—(Lib. de Ortu S. Cuthberti, cap. xxvi.; New Stat. Acc. vol. x. p. 767: but see Bp. Lesley's Hist. of Scot. p. 34.) Four stones, each graven with a St. John's cross, still stand at the four angles of the girth which surrounded the church and preceptory of the Knights' Hospitallers of St. John at Torphichen.—(Stat. Acc. vol. iv. p. 470; New Stat. Acc. vol. ii. p. 49; comp. with Diurn. of Occurr. p. 13; Riddell's Rem. on Scotch Peerage Law, pp. 153, 154; Pitcairn's Scot. Crim. Trials, vol. i. p. *151.)

The girth of Torphichen measured a mile on every side. This was the extent, too, of the famous English sanctuaries of Ripon, of Hexham, of Beverley, of St. Edmundsbury.—(Monast. Anglican. vol. ii. p. 133; vol. vi. pp. 180, 1312; Chron. Jocel. de Brakelonda, p. 149.) We seem to have had at least one Scottish sanctuary of still wider bounds. The girth of St. Maelrubha of Applecross stretched six miles on all sides of his church: 'terre circumuicine per sena a dicta ecclesia miliaria immunitatis beati viri meritis gaudent priuilegio.'—(Brev. Aberd. par. estiv. prop. sanct. fol. xc b.; Proc. Soc. Ant. Scot. vol. iii. p. 284.) For notices of other Scottish sanctuaries, see J. de Ford. Scotichron. lib. ii. cap. x.; G. Buchan. Rer. Scot. Hist. lib. i. capp. xxxv. xlii.; Sir R. Gord. Gen. Hist. Sutherl. p. 3; Orig. Paroch. Scot. vol. ii. pp. 9, 149, 163, 175, 189, 212, 277, 296, 347, 373, 386; Reg. de Dunferm. p. 241; Reg. Episc. Aberd. vol. ii. p. 269.

Great extent of the girth of Applecross.

Right of girth claimed by the Blackfriars of Glasgow.

Latterly, the right of girth would seem to have been jealously scrutinized by the civil courts. Thus, in 1553, the Friars Preachers of Glasgow claimed for the precinct of their Place or Convent, 'priuelegeis of sanctuarie and girthe at the leist for recent and suddant crymes,' affirming that it had, from time beyond the memory of man, been 'sua reuerentlie obseruit that it was nevir yit violat be ony maner of persoun,' and pleading that its recognition would be a public benefit, 'nane vthir [sanctuarie] being in the west partis of the realme fra Torphiching west bot the said Place allanerlie.' But the Lords of Session, before whom the action was brought, called on the Friars to produce a written grant of the immunities which they claimed, and when they failed to do so, gave judgment against them.—(Reg. Acts and Decreets, vol. vii. foll. 74, 75, 124, 163, 164. MS. Regist. House.) The offence for which sanctuary was asked in this case seems to have been bloodshed in a street brawl; the offender was seized in the church porch.

The registers of two great English girths are printed in the 'Sanctuarium Dunelmense et

Sanctuarium Beverlacense,' published by the Surtees Society in 1837. At Durham, the fugitive claimed refuge by tolling a bell, and we find the same use observed at Holyrood A.D. 1337, in the earliest notice of that sanctuary on record: 'evasit emunitatem, ut moris est, tactu campanæ pulsans, quia sibi pro tunc non patuit cancellaria.'—(J. de Ford, Scotichron. lib. xiii. cap. xlii: cf. Lib. Cart. S. Crucis, pp. xlvii. cxxiii. cxxiv.; Act Dom. Conc. et Sess. vol. x. fol. 174. MS. Regist. House; Pitcairn's Scot. Crim. Trials, vol. i. p. *258.) Like the girths of Lesmahago, of Tain, of Dull, of Torphichen, the girth of St. John of Beverley was marked by crosses. There were six degrees of sanctity in its territory, the highest being a stone chair beside the altar, the 'Frithstool,' or, as it was called in Scotland (and occasionally in England) the 'Girth Stool.'—(Sanct. Dunelm. et Beverlac, pp. xiv. xv. 99, 100; Gloss. of Architect. *v.* 'Frithstool;' Act. Parl. Scot. vol. i. p. 8, tab. p. 3; Monast. Anglican. vol. ii. p. 133.)

Sanctuary of Holyrood.

Degrees of sanctity within girth.

The old Irish Canons recognised only four degrees of sanctity: 'Synodus quatuor terminos circa locum sanctum posuit: Primum in quem laici et mulieres intrant: alterum in quem clerici tantum veniunt: Primus vocatur sanctus; secundus sanctior; tertius sanctissimus. Nota nomen quarti defecisse.'—(Cap. Sel. Can. Hibern. lib. xlii. capp. xi. xii., in D'Achery's Spicilegium, t. ix. p. 39.)

The Girth stool, or Frith stool.

Gibbon has remarked that the asylum of the heathen temple passed into the sanctuary of the Christian church (chap. xx. vol. iii. p. 35. edit. 1854). The translation, it may be added, was so complete, that even little details were preserved. Thus the prototype of the stone chair at the altar of St. John of Beverley may be recognised in the stone chair in the temple of the goddess Feronia at Terracina: 'In hujus templo, Tarracinæ, sedile lapideum fuit, in quo hic versus incisus erat: BENEMERITI SERVI SEDEANT, SURGENT LIBERI.'—(Servius ad Æn. viii. 564, Virgilii Opera, t. iii. p. 337. edit. Burmann.)

Page 19, no. 28: *carceris dyocesani quem quilibet Episcopus habere tenetur.*

Diocesan prisons.

It was enacted by the Council of Lambeth A.D. 1261, 'quod quilibet episcopus in suo episcopatu habeat unum vel duos carceres . . . pro clericis flagitiosis deprehensis in crimine, vel convictis, juxta censuram canonicam, detinendis.'—(Wilkins' Conc. Mag. Brit. et Hib., vol. i. p. 755.)

Page 19, no. 29. *De ferijs.*

Secular courts not to be held in churches, etc.

Compare Decretal. Greg. lib. iii. tit. xlix. cap. v.; the Synodal Statute of Aberdeen, no. 81, p. 42; and the thirtieth chapter of the Synodal Constitutions of the Sudreys and Man A.D. 1291-2, in the Monast. Anglican. vol. v. p. 255.

It was forbidden by a secular ordinance of unascertained date, 'quod placita vite aut terrarum seu aliquarum querelarum tenta sint in sancta ecclesia vel in cimeterio vel in aliquo alio loco sacrato.'—(Act. Parl. Scot. vol. i. p. 388.)

The Parliament of 1503 enacted that 'thar be na markate nor faris haldin apone halidais, not yit within kirkis and kirkyardis apoune haly dais or other dais vnder the pane of escheting of the gudis."—(Act. Parl. Scot. vol. ii. p. 245.)

Page 20, no. 31. *De Cruce signatis ab ecclesia defendendis.*

The Lateran Council cited is the Fourth A.D. 1215.—(Labb. et Coss. Conc. t. xi. col. 224-233.)

Page 20, no. 32. *Quod nami non capiantur per laicos in terris ecclesiasticis.*

Among other immunities granted to the clergy of the diocese of Glasgow A.D. 1226-27, by Maldoueni Earl of Lennox, was this: 'quod bona clericorum in namum pro laicis non capiet nec ab aliis sub eo manentibus capi sustinebit.'—(Reg. Episc. Glasg. vol. i. pp. 119, 120.)

'Forlerey' would seem to be a corruption of 'Par le vray.' See 'Leveroy' in Du Cange, t. iv. col. 141. edit. 1733.

Page 20, no. 33. *Quod clericus non trahatur ad forum seculare.*

The clergy and the secular courts.

In the year 1231, Pope Gregory IX. granted a bull to the Bishop of Glasgow, 'vt nullus te uel homines ecclesie tue super tenementis uel aliis spectantibus ad ecclesiam Glasguensem, nisi forte sint talia que tanquam feodalia non tanquam in puram elimosinam sint collata, in foro ualeat conuenire seculari, prohibentes expresse ne super hiis coram iudice secularj uel ipse respondeas aut homines tuos respondere permittas.'—(Reg. Episc. Glasg. vol. i. p. 132.)

Compare, on the one hand, the Bull of Pope Innocent IV. printed above, pp. 243, 244, and, on the other, the 'Litera Regis pro homine vexato ad curiam Christianitatis,' printed above, pp. 238, 239.

Page 21, no. 34. *De decimis et primicijs.*

Tithes enforced by statute A.D. 1124-1153.

The payment of tithes was enforced, under penalties measured by the rank of the offender, by a statute of King David I. (A.D. 1124-1153), which is recapitulated in a writ of King William the Lion (A.D. 1187-1189), in the Reg. Episc. Morav. pp. 5, 6, and cited in another writ of King William the Lion (A.D. 1164-1171), in the Reg. Priorat. S. Andree, p. 225.

Grants of tithes A.D. 1106-1153.

Between the years 1106 and 1124, King Alexander I. granted the tithe of his lordships in the 'sock of Stirling' to the chapel in the castle of Stirling.—(Act. Parl. Scot. vol. i. p. 47*.) Between 1124 and 1127, King David I. granted to the monks of Dunfermline, the tithe of the salt and iron brought for the King's use to Dunfermline; the tithe of all the King's cane, corn, and venison brought to Dunfermline; and every seventh seal taken at Kinghorn, the tithe being first deducted.—(Regist. de Dunferm. p. 4.) About 1128 he granted to the Canons of Holyrood the tithe of all the fishing belonging to St. Cuthbert's Church under the Castle; the tithe of all the King's whales, seals, and porpoises, 'cetis et marinis beluis,' and of all the King's fines and issues of courts, between Avin and Colbrandespeth; and the tithe of the mill of Liberton, of the mill of Dene, and of the new mill of Edinburgh.—(Lib. Cart. S. Crucis, pp. 4-6.) Between 1147 and 1153, he granted to the monks of Dunfermline the tithe of his lordships within a certain province, as well in corn as in cattle, in fish (taken in the King's nets), and in money, and in cane; the tithe of his money-rent from the burgh of Dunfermline; the tithe of the mill of Dunfermline; the tithe of all the King's venison taken between Lammermoor and the Tay; and the tithe of the King's wild mares of Fife and Fotherif.—(Reg. de Dunferm. pp. 5-7.)

Tithes enumerated A.D. 1153-1165.

King Malcolm the Maiden (A.D. 1153-1165), in a charter enforcing payment of tithes in the diocese of Glasgow, distinguishes tithes 'de blado, de lino, de lana, de caseo, de butiro, de agnis, de vitulis, de porcellis, de capellis, de pullis, necnon et de ceteris omnibus non nominatis de quibus lex Christiana decimam dari postulat.'—(Reg. Episc. Glasg. vol. i. p. 15.) Cf. Id. pp. 63, 92, 116, 117, 119; Reg. Episc. Morav. p. 5; Reg. Priorat. S. Andree, p. 247; Carte de Northberwic, pp. 5, 16, 17.

Page 21, no. 35. *De decimis ortorum.*

Tithes of gardens

This statute is referred to in the judgment of the Treasurer of Murray and the Prebendary of Duffus, on a question as to the tithes of the gardens of Elgin, between the Bishop of Murray and the Vicar of Elgin, A.D. 1399: 'Nos vero . . . intellectis Statutis Provincialibus regni Scocie et rationibus utriusque partis . . . decernimus . . . quod ubi constat evidenter de clausuris ortorum antiquorum secundum prolixitatem ortorum clausorum nunc existencium, quod decime illorum ortorum ad Vicarium pertinent et non ad Episcopum. Declaramus tamen quod si aliqui burgenses vel alii infra burgum prope ortos antiquos fecerint ortos novos ultra metas antiquorum ortorum, quod decime illorum ad Episcopum pertineant. Linum vero porri vel caules ad Vicarium pertineant ubicunque fuerint seminate.'—(Reg. Episc. Morav. pp. 213, 328.)

Tithes of flax, leeks, and cabbages.

Cf. Reg. Priorat. S. Andree, pp. 158, 159;

Illust. Scot. Hist. pp. 25, 26. (Mait. Club: 1834); Reg. Episc. Aberd. vol. ii. p. 41.

Page 22, no. 40. *De animalibus que cubant in vna parochia et pascuntur in alia.*

Tithes of pasture.

It was ruled by what seems to have had the force of a Synodal Statute of the diocese of Murray A.D. 1369, 'quod cariantes sive ducentes meremia de nemore cum bobus et plaustris solvant Curato suo decimum denarium pro decima tempore estivali quando boves herbas pascunt; in yeme vero quando boves pascunt foragium, solvent tricesimum denarium pro decima Curato; nullis expensis aliis in alterutro casu subductis. Et ad cariantes petas vel consimilia idem diffiniebatur extendendum.'—(Reg. Episc. Morav. pp. 167, 168.)

Page 23, no. 41. *De decima feni et molendinorum.*

Tithes of mills and of hay.

King David I. granted the tithes of the mill of Liberton, of the mill of Dean, and of the new mill of Edinburgh, to the canons of Holyrood, about A.D. 1128.—(Lib. Cart. S. Crucis, p. 6.) He granted the tithe of the mill of Dunfermline to the monks of Dunfermline, between the years 1147 and 1153.—(Reg. de Dunferm. p. 6.) He granted the tithe of the mills of Haddington to the church of Haddington, between the years 1128 and 1147. —(Reg. Priorat. S. Andree, pp. 181, 192) The tithe of the mill of Aberdeen was confirmed to the see of Aberdeen, by a bull of Pope Adrian IV. A.D. 1157.—(Reg. Episc. Aberd. vol. i. pp. 5, 84.) King Malcolm the Maiden granted the tithe of the mill of Linlithgow to the canons of St. Andrews, A.D. 1160.—(Reg. Priorat. S. Andree, p. 206.) He granted the tithe of the King's mills on the Almond to the canons of Scone, A.D. 1164.—(Lib. Eccl. de Scon. p. 6.)

It was ordained by what seems to have had the force of a Synodal Statute of the diocese of Murray A.D. 1369, 'quod molendinarii solvant decimam de molendino et de terra molendini solita assedari cum molendino: et Curatus allocabit et subducet unum denarium et unum obolum de qualibet acra terre ordeacee, et unum denarium de qualibet acra terre avenatice.'—(Reg. Episc. Morav. p. 168.)

The statute in the text was probably made during the minority of King Alexander III., when, as appears from a bull of Pope Innocent IV. A.D. 1251, certain great men of Scotland resisted the payment of the tithes of hay, of pastures, and of mills. See above, append. no. vi. p. 244.

The exaction of the tithes of mills, of fishings, of hay, and of wool, seems to have been questioned in England, A.D. 1170.—(Decretal. Gregor. lib. iii. tit. xxx. cap. v.) The barons of Normandy declared on their oaths, A.D. 1205, 'quod numquam viderunt tempore Henrici et Richardi quondam Regum Anglorum quod aliquis redderet decimas de fœnis, vel de genestis, aut de boscis, nisi prius fuerint eleemosynate.'—(Mart. et Dur. Vet. Script. Ampliss. Collect. t. i. col. 1060.)

Page 23, no. 43. *De decima piscationum.*

Tithes of fishings

What was by this statute made the general law of the church, had previously been matter of compact in particular cases. Thus, A.D. 1222, it was agreed between the Priory of St. Andrews and the Abbey of Dryburgh, 'quod piscatores de parochia ecclesie de Kilrethny, in portu de Sancto Andrea applicantes vel ibidem piscantes, nullas omnino decimas vel jura ecclesiastica ecclesie de Sancto Andrea persolvent, sed matrici eorum ecclesie de Kilrethny reservabunt reddenda: similiter vero piscatores de Sancto Andrea, in parochia de Kilrethny applicantes vel ibidem piscantes, nullas omnino decimas vel jura ecclesiastica ecclesie de Kilrethny persolvent, sed matrici eorum ecclesie de Sancto Andrea reservabunt reddenda.'—(Lib. de Dryburgh, p. 71; Reg. Priorat. S. Andree, pp. 323, 324.)

There was a more difficult case between the Abbey of Dryburgh and the Priory of May, A.D. 1225. The stream which divided the Abbey's parish of Kilrenny from the Priory's

parish of Anstruther was so narrow that fishing barks anchoring in it for the night, lay in both parishes. Their tithes therefore, so the Abbey contended, should be equally divided. The case was compromised. The boats of the parishioners of Kilrenny were to pay tithes to the Abbey; all other vessels were to pay tithes to the Priory, which, in return, was to pay a mark of silver yearly to the Abbey.—(Reg. Priorat. S. Andree, pp. 395, 396.)

About A.D. 1128, King David I. granted to the canons of Holyrood the tithe of the fishings belonging to St. Cuthbert's Church of Edinburgh, and the tithe of all the King's whales, seals, and porpoises, 'cetis et marinis beluis,' from the Aviu to Colbrandespeth.—(Lib. Cart. S. Crucis, pp. 4, 6.) There is a charter by the same King to the monks of Coldingham, of the tithe of the fishings of Halwarestelle.—(Dr. Raine's North Durham, app. p. 6, no. xxv.) The tithes of fishings in the Dee and the Don (there were already cruives in the latter stream) were confirmed to the see of Aberdeen, by Pope Adrian IV., A.D. 1157. —(Reg. Episc. Aberd. vol. i. pp. 5, 6, 84, 85.) Cf. Lib. Eccl. de Scon. p. 6; Lib. de Dryburgh, p. 71.

Page 24, no. 47. *De conspiratoribus.*

Leagues among the clergy, against their Bishops.

One of the grievances of the Scottish Church enumerated in the bull of Pope Innocent IV., A.D. 1251, was that 'nonnulli de clero . . . adversus pontifices suos impias ut dicitur inter se colligationes et conspirationes innectunt in periculum ecclesiastici status et ordinis et suarum perniciem animarum.' See above, append. no. vi. pp. 245, 246.

A secular statute of unascertained date declares who were 'infames.'—(Act. Parl. Scot. vol. i. pp. 380, 381.)

Page 25, no. 49. *De Questionariis.*

Questionarii, Pardoners, or Preachers.

Compare the sixty-second canon of the Fourth Lateran Council A.D. 1215, where a form is prescribed as well for the Pope's as for the Bishop's brief or letter.—(Labb. et Coss. Conc. t. xi. coll. 213-216; Decretal. Gregor. lib. v. tit. xxxviii. cap. xiv.) Compare also the Synodal Statutes of Norwich A.D. 1257, and of Exeter A.D. 1287, in Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 734, vol. ii. p. 154; the decree of Trent, received by the Provincial Council of Edinburgh A.D. 1549, statute 194, p. 99; and the decree of Trent (16. Jul. 1562), sess. xxi. cap. ix.: 'Quaestorum eleemosynarum nomen et usus tollitur.'

The restraints put upon the Pardoner by the statute in the text may be compared with the restraints put upon him by a Synodal Statute of the diocese of Meaux, A.D. 1287: 'Non permittantur Prædicatores supra archas celebrare, pulsare campanas per vicos, nec loqui in ecclesiis, nec præsentare reliquias, sed tantum deferant brevia, et sacerdotes pro eis loquantur.' —(Mart. et Dur. Thes. Nov. Anec. t. iv. col. 898.)

Pardon or indulgence for the choir of Glasgow.

The brief for the fabric of Glasgow was no doubt for the fine choir built during the episcopate of Bishop William of Bondington (A.D. 1233-1258), 'vir dapsilis et liberalis in omnibus,' says John of Fordun, 'qui ecclesiam suam Glasguensem miro artificio lapideo ædificavit.' —(Scotichron. lib. x. cap. xi.) Cf. Quart. Rev. vol. lxxxv. p. 133.

Pardons for the nave of Aberdeen.

The 'Questionarius,' 'Pardoner,' or 'Preacher,' was already so scandalous, that the Antipope Clement VII., in granting indulgences for building the nave of the cathedral of Aberdeen, A.D. 1380, declares that they shall be of no force if hawked about by these spiritual pedlars: 'Presentes autem mitti per Questuarios districtius inhibemus, eas si secus actum fuerit carere viribus decernentes.'—(Reg. Episc. Aberd. vol. i. pp. 131, 132.)

Indulgences by Scottish bishops in the thirteenth and fourteenth centuries may be seen in two publications of the Surtees Society—The Priory of Finchale, pp. 169-173, 175-177, 179-183, 185-188, 190, 191; The Rites of Durham, pp. 129, 131-136. 138. The travels of a Pardoner, sent into Scotland by Bishop Hugh Pudsey, between the years 1153 and 1178, to

gather money by showing relics of St. Cuthbert, are described by the lively pen of Reginald of Durham in his Libell. de B. Cuth. Virt. pp. 215-223, comp. with pp. 77, 78, 109, 110. Commissions by Priors of Durham in the fourteenth and fifteenth centuries, authorizing bearers of relics of St. Cuthbert to gather alms for the fabric of Durham Cathedral, are printed in the Hist. Dunelm. Scriptores Tres, pp. ccxxiv. ccccxxxvi.

An 'indulgence for the repair of Exeter Cathedral' A.D. 1553-1558, is reprinted from the original handbill in the Trevelyan Papers, pp. 218, 219. Camd. Soc.: 1857.

Page 25, no. 50. *Quod excommunicati sint subuertentes libertatem ecclesie.*

Compare the bull of Pope Innocent IV., A.D. 1251, on the grievances of the Scottish Church, printed above, append. no. vi. p. 246.

Page 26, no. 51. *Infrascripti excommunicandi sunt quater in anno.*

Excommunication.

This canon is cited in a writ, by the Abbot of Dunfermline, about the year 1300: 'Cum in Prouinciali Scoticanensi Concilio sit prouida deliberacione statutum quod layci detinentes inuadentes fraudantes et auferentes possessiones seu alia quecunque iura ecclesiastica aut libertates, sint ipso facto [auctoritate] Concilii predicti excommunicati et pro excommunicatis debeant publice denunciari.'—(Reg. de Dunferm. pp. 196-198.)

The canon is again cited in a writ by the Bishop of Murray A.D. 1343: 'Cum igitur omnes invadentes fraudantes aut auferentes possessiones terras et alia quecunque jura ecclesiastica vel libertates quascunque, sint auctoritate Sacri Concilii Scoticani publice et solempniter excommunicati et anathematizati etc.'—(Reg. Episc. Morav. p. 127.)

Compare the 'Forma Excommunicationis,' p. 5; the thirty-third chapter of the Constitutions of Sarum, about A.D. 1217, in Labb. et Coss. Conc. t. xi. coll. 256, 257; and the twenty-fourth chapter of the Synodal Constitutions of the Sudreys and Man A.D. 1291-2, in the Monast. Anglican. vol. v. p. 254.

The clause beginning '¶ Contra latronum, and ending with 'valeat pervenire,' is copied from the eighteenth chapter of the Constitutions of Cardinal Otho, in the Council of London A.D. 1237.—(Wilkius' Conc. Mag. Brit. et Hib. vol. i. p. 653.) Compare the 'Mandatum Custodum Spiritualitatis Dunelmensis utraque sede vacante ad denunciandum omnes sortilegos et trahentes causas spirituales ad forum seculare excommunicatos' A.D. 1406, in the Hist. Dunelm. Script. Tres, pp. cxciv.-cxcvi.

Rights of Ordinaries in cases of Intestates.

Compare the clause against 'omnes impedientes Ordinarios quo minus de bonis ipsorum decedencium ab intestato secundum consuetudinem ecclesie Scoticane rite ualeant ordinare,' with statutes 88, 100, 166, 281. See also Selden's tract 'Of the Disposition of Intestates' Goods,' in his Opera, vol. iii. coll. 1676-1685.

Page 27, no. 52: *excommunicamus omnes illos qui pacem Regis et regni perturbant etc.*

Compare the 'Forma Excommunicationis,' p. 5; and the Synodal Constitutions of the Sudreys and Man A.D. 1291-2, chap. xxiv. in the Monast. Anglican. vol. v. p. 254.

Page 27, no. 53. *De excommunicato per vnum Episcopum denunciando per alios etc.*

Persons excommunicated by one bishop to be excommunicated by every other bishop in Scotland.

Compare the letter of the Bishop of Murray A.D. 1280, to the Provincial Council about to meet at Perth, praying for the excommunication of Sir William of Fentoun in every church in every diocese of Scotland.—(Reg. Episc. Morav. pp. 140-142.)

John of Fordun relates how, A.D. 1267, Gameline bishop of St. Andrews excommunicated Sir John of Dunmore, knight, and all his abbettors, 'exceptis duntaxat personis Domini Regis, Reginæ, et eorundem liberorum, et tam per episcopatum suum, quam per alios episcopatus fecit constanter excommunicatos denunciari.'—(Scotichron. lib. x. cap. xxii.)

The clause of the statute in the text for

Enforcement of excommunication by the civil power.

calling in the secular arm may be illustrated by the mandate of King Alexander II. to his sheriff and bailies of Traquair A.D. 1242: 'quatinus visis litteris presentibus omnes illos in ballia vestra quos venerabilis pater Episcopus Glasguensis, Archidiaconus, Officialis, uel Decanus ipsius in excommunicacionis sentencia per quadraginta dies vobis ostenderit perdurasse claues ecclesie viriliter contempnendo, capi faciatis, et carcerali custodie mancipari, donec super hoc pro quo fuerint excommunicacionis sentencia innodati, Deo et ecclesie satisfecerint competenter.'—(Reg. Episc. Glasg. vol. i. p. 147: cf. pp. 119, 120.)

It was ordained in the Parliament which met at Scone A.D. 1400-1, 'quod justiciarii vicecomites et alii ministri Regij intendant et respondeant literis capcionis per Episcopos et suos Officiales sibi dirigendis, et debitam execucionem faciant de eisdem, secundum modum ab antiquo vsitatum, non obstantibus quibuscumque appellacionibus vel racionibus in contrarium allegatis aut propositis: Propterea si aliquis Regis legius se excommunicatum per iniustum processum senserit ante exitum quadraginta dierum a judice suo appellet ad Cleri Conseruatorem qui dictum processum cum suo Consilio tenebitur declarare et iniustum reformare: Et si videatur sibi quod dictus Conseruator rectum judicium non faciat appellet ab eo ad Generalem Cleri Congregacionem vbi talia de cetero quamdiu scisma in ecclesia existit ordinantur discuti et determinari: Cui ordinacioni consensit clerus durante scismate sicut ceteri Regis legij.'—(Act. Parl. Scot. vol. i. p. 214: cf. pp. 375, 380; vol. ii. pp. 33, 35, 342, 357, 482, 485; vol. iii. pp. 73, 76*, 430, 431; vol. iii. pp. 63, 429; vol. vii. p. 228.)

Right of appeal from the Bishop to the Conservator; and from the Conservator to the Provincial Council, during the schism in the Papal see.

Abolition of all civil recognition of excommunication.

In the year 1690, 'all acts enjoyneing civil paines upon sentences of excommunication' were repealed.—(Act. Parl. Scot. vol. ix. pp. 198, 199; cf. Mr. J. H. Burton's Hist. of Scot. 1689-1748, vol. i. pp. 207, 208; and Erskine's Institutes, b. ii. tit. iii. § 16.) But the ecclesiastical courts could still pronounce judgments which the civil courts were ready to back with imprisonment; and it was not until the year 1711 that this power was taken away by the British Parliament, by the Act 10 Anne, chap. 10. sect. 12, which ordained: 'That no civil pain or forfeiture or disability . . . shall be . . . incurred by any person . . . by reason of any excommunication, or prosecution in order to excommunication, by the church judicatories in . . . Scotland; and all civil magistrates are . . . expressly prohibited . . . to . . . compel any person . . . to appear when summoned, or to give obedience to any such sentence when pronounced.'—(Statutes of the Realm, vol. ix. p. 559.)

This statute was long deplored on the north side of Tweed, as 'among the causes of the Lord's wrath against sinful and backsliding Scotland.'—(Re-exhibition of the Testimony of the Associate Synod, p. 107. Glasg. 1779: cf. Dying Testimonies since the Revolution, pp. 230, 231, 244, 354. Kilmarn. 1806.)

Page 28, no. 54. *De pena incestus clericorum.*

This is copied from Gratian's Decretum, caus. xxx. qu. i. capp. 9, 10.

Page 29, no. 55. *Quod absolutio excommunicationis non sit extorquenda per laicos.*

Absolution not to be extorted.

Compare the forty-fourth canon of the Fourth Lateran Council A.D. 1215 (Labb. et Coss. Conc. t. xi. coll. 191-193); Decretal. Gregor. lib. iii. tit. xiii. cap. 12; the bull of Pope Innocent IV. A.D. 1251, printed above, p. 243; the bulls of Pope Innocent IV. A.D. 1253, in the Reg. Episc. Glasg. vol. i. pp. 158, 159; J. de Ford. Scotichron. lib. x. cap. xxii. (A.D. 1267.)

Page 30, no. 56. *De Baptismo.*

This statute is mostly taken from the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first chapters of the Constitutions of Sarum, about A.D. 1217, or the twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-sixth, twenty-seventh, and twenty-ninth statutes of the Council of Durham A.D. 1220.—(Labb. et Coss.

Conc. t. xi. coll. 252, 253; Wilkins' Conc. Mag. Brit. et Hib. vol. i. pp. 575, 576.)

Compare the first statute of the Council of Oxford A.D. 1222, in Wilkins' Conc. Mag. Brit. et Hib. vol. i. pp. 593, 594; the Concilium Incerti Loci, in Mart. et Dur. Thes. Nov. Anec. t. iv. coll. 153, 154, 158; the fourth statute of the Synod of Bayeux, about A.D. 1300, in Labb. et Coss. Conc., t. xi. col. 1450; the second statute of the Synod of Exeter A.D. 1287, in Wilkins' Conc. Mag. Brit. et Hib. vol. ii. p. 131; the Decretal. Gregor. lib. iii. tit. xlii. cap. ii.; and the Synodal Statute of St. Andrews A.D. 1242, printed above, no. 118, p. 57.

Page 31, no. 57. *De sacramento Confirmationis.*

This statute is mostly taken from the thirty-first statute of the Council of Durham A.D. 1220, or the twenty-fourth chapter of the Constitutions of Sarum, about A.D. 1217.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 576; Labb. et Coss. Conc. t. xi. col. 254.)

Compare the third statute of the Synod of Exeter A.D. 1287, in Wilkins' Conc. Mag. Brit. et Hib. vol. ii. p. 132.

Page 32, no. 58. *De sacramento Penitentie.*

This statute is mostly taken from the thirty-second, thirty-fifth, thirty-seventh, thirty-ninth, and fortieth statutes of the Council of Durham A.D. 1220, or the twenty-fourth, twenty-fifth, twenty-seventh, and twenty-ninth chapters of the Constitutions of Sarum, about A.D. 1217.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. pp. 576, 577; Labb. et Coss. Conc. t. xi. coll. 254, 255.)

Compare the Constitutions of St. Edmund of Canterbury A.D. 1236, in Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 637; and the Concilium Incerti Loci, in Mart. et Dur. Thes. Nov. Anec. t. iv. coll. 154, 155, 158, 159.

Page 33, no. 59. *De sacramento Ewkaristie.*

This statute is mostly taken from the fifty-second and fifty-third statutes of the Council of Durham A.D. 1220, or the thirty-fifth and thirty-sixth chapters of the Constitutions of Sarum, about A.D. 1217.—(Wilkins' Conc. Mag. Brit. et. Hib. vol. i. p. 579; Labb. et Coss. Conc. t. xi. coll. 257, 258.)

Compare the second canon of the Council of London A.D. 1200, in Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 505; and the Concilium Incerti Loci, in Mart. et Dur. Thes. Nov. Anec. t. iv. coll. 151, 152.

Page 33, no. 60. *De celebratione Missarum.*

This statute is mostly taken from the fifty-fourth and fifty-fifth statutes of the Council of Durham A.D. 1220, or the thirty-eighth and thirty-ninth chapters of the Constitutions of Sarum, about A.D. 1217.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 579; Labb. et Coss. Conc. t. xi. col. 258.)

Compare the second canon of the Council of London A.D. 1200, the third chapter of the Constitutions of Lambeth A.D. 1209, the seventh canon of the Council of Oxford A.D. 1222, in Wilkins' Conc. Mag. Brit. et Hib. vol. i. pp. 505, 535, 586; the Concilium Incerti Loci, in Mart. et Dur. Thes. Nov. Anecdot. t. iv. coll. 151, 152; and the Synodal Statute of St. Andrews A.D. 1242, printed above, no. 115, p. 56.

Page 34, no. 61. *De custodia Euukaristie et Visitatione Infirmorum.*

This statute is mostly taken from the fifty-eighth statute of the Council of Durham A.D. 1220, or the thirty-ninth chapter of the Constitutions of Sarum, about A.D. 1217.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 579; Labb. et Coss. Conc. t. xi. col. 259.)

The words 'si aeris temperies patiatur' are not in the English canons.

Compare the Concilium Incerti Loci, in Mart. et Dur. Thes. Nov. Anec. t. iv. coll. 151, 152; and the Synodal Statute of St. Andrews A.D. 1242, printed above, no. 117, p. 57.

Page 34, no. 62. *De Extrema Vnctione.*

This statute is mostly taken from the eighty-

ninth, ninetieth, and ninety-first statutes of the Council of Durham A.D. 1220, or the sixty-seventh, sixty-eighth, and sixty-ninth chapters of the Constitutions of Sarum, about A.D. 1217. —(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 583; Labb. et Coss. Conc. t. xi. coll. 264, 265.)

Compare the fifth canon of the Council of Oxford A.D. 1222, in Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 595; the Concilium Incerti Loci, in Mart. et Dur. Thes. Nov. Anec. t. iv. coll. 160, 161; and the Synodal Statute of St. Andrews A.D. 1242, printed above, no. 119, p. 58.

Page 35, no. 63. *De vita et honestate clericorum.*

The first part of this statute is taken from the fourteenth, fifteenth, and sixteenth canons of the Fourth Lateran Council A.D. 1215.—(Labb. et Coss. Conc. t. xi. coll. 168, 169.)

The clause 'ab illis se personis penitus abstineant que in Generali Concilio continentur' seems to refer to statute 18 of the General or Provincial Council of Scotland (p. 15), which again is transcribed from the sixteenth chapter of the Constitutions of Cardinal Otho in the Council of London A.D. 1237.—(Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 653.)

The clause beginning 'Et quia nimis,' and ending 'sint horrori,' is taken from the nineteenth chapter of the Fourth Lateran Council A.D. 1215.—(Labb. et Coss. Conc. t. xi. coll. 172, 259.)

The clause beginning 'Sacerdotibus vero,' and ending 'agendo privari,' is taken from the seventh statute of the Council of Durham A.D. 1220, or the sixth chapter of the Constitutions of Sarum, about A.D. 1217.—(Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 573; Labb. et Coss. Conc. t. xi. col. 249.)

The clause beginning 'Ad hec,' and ending 'et honesta,' is taken from the fortieth chapter of the Constitutions of Sarum, about A.D. 1217, or the eleventh canon of the Council of Oxford A.D. 1222.—(Labb. et Coss. Conc. t. xi. col. 259; Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 587.)

Page 36, no. 64. *Que relinquenda sunt successori.*

This statute, with the exception of the last clause, is taken from the forty-second chapter of the Constitutions of Sarum, about A.D. 1217, or the sixty-second statute of the Council of Durham A.D. 1220.—(Labb. et Coss. Conc. t. xi. col. 259; Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 580.)

The articles to be left in hall, chamber, kitchen, and brewhouse by a beneficed priest, to his successor in the diocese of Aberdeen, are enumerated in the Reg. Episc. Aberd. vol. ii. p. 85. There is a like enumeration for the diocese of Murray in the Reg. Episc. Morav. p. 367. Comp. Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 626.

Page 36, no 65. *Quod noui census non imponantur ecclesie.*

The 'sicut in Generali Concilio est statutum,' seems to refer to statute 13 of the General or Provincial Council of Scotland (p. 13).

Compare the last clause, beginning 'Nouerint etiam,' with the eighteenth canon of the Council of Oxford A.D. 1222.—(Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 588.)

Page 36, no. 66. *De Matrimonio.*

Marriage. This statute is mostly taken from the fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, sixty-fourth, and sixty-fifth chapters of the Constitutions of Sarum, about A.D. 1217, or the seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, eighty-fifth, and eighty-sixth statutes of the Council of Durham A.D. 1220.—(Labb. et Coss. Conc. t. xi coll. 262, 264; Wilkins' Conc. Mag. Brit. et Hib. t. i. pp. 581, 582.)

The 'secundum formam Concilij Generalis,' refers to the Fourth Lateran Council A.D. 1215, cap. li.: 'Prædecessorum nostrorum inhærendo vestigiis, clandestina conjugia penitus (Banns.)

inhibemus, prohibentes etiam ne quis sacerdos talibus interesse præsumat. Quare specialem quorumdam locorum consuetudinem ad alia generaliter prorogando, statuimus ut, cum matrimonia fuerint contrahenda, in ecclesiis per presbyteros publice proponantur, competenti termino præfinito, ut infra illum, qui voluerit et valuerit, legitimum impedimentum opponat. Et ipsi presbyteri nihilo minus investigent utrum aliquod impedimentum obsistat. Cum autem probabilis apparuerit conjectura contra copulam contrahendam, contractus interdicatur expresse donec quid fieri debeat super eo manifestis constiterit documentis.'—(Labb. et Coss. Conc. t. xi. coll. 201-204.)

Compare statutes 83, 121, 155, 156, 251. See as to the forbidden degrees, Mr. Riddell's Peer. and Consist. Law of Scot. vol. i. pp. 452, 453; and Mr. Innes' Lib. Official. S. Andree, pp. xviii-xxv. 101.

Page 37, no. 67. *Tuendi sunt fugientes ad ecclesiam.*

Sanctuaries not to be beleaguered.

Compare statutes 26, 94; notes, pp. 261-263, 275.

The prohibition 'ne quis fugientes ad ecclesiam . . . circa ecclesiam obsideat vel eisdem subtrahat victualia,' may be illustrated by the story which John of Fordun tells of a Scot who took sanctuary at Holyrood after slaying the marshal, and mortally wounding three soldiers of the English garrison in the Castle A.D. 1337: 'Ante altare, flexis poplitibus, ab Anglicis orabundus repertus est. Quem, ob reverentiam Dei, ulterius hac vice persequi desierunt: verum tamen firmaverunt sibi custodiam, et ipsum inibi concluserunt, prohibentes sibi cibaria ministrari; et de nocte, quando eidem sopor irruerat, ipsum stimulis longis lignulis infixis pupugerunt, ut sic vitam miseram, carentia cibi et somni, citius terminaret. Duodecim nempe dies taliter transegit, cui omni media nocte, cum Fratres laudibus matutinalibus insisterent, Sacrista clanculo voltas ascendit, et in quadam reste victualia quæque ligabat, et sic ea imperceptibiliter deponere consueverat. Tandem quadam nocte Sacrista, assumptis sibi duobus Canonicis, funem fortiorem submiserunt; qua captivus illico se circumcinxit, et in altum velocius a Canonicis est assumptus. Quem statim, indutum habito canonicali, summo mane secum, tanquam ad spatiandum, de monasterio processerunt, educentes ad Parcum Sarisberiensem, et ibi eum liberum abire permiserunt.'—(Scotichron, lib. xiii. cap. xlii.)

Fugitives in girth to be fed by the church.

The church seems to have considered itself bound to sustain the fugitives within its girth. Thus, in the year 1320, certain men of the Abbey of Dunfermline, asked of the monks, 'quod si aliquis ex genere eorum hominem interfecerit vel aliud flagitium commiserit, propter quod tenetur immunitatem ecclesie postulare, si ad monasterium de Dunfermelyn venerit causa immunitatis habende, quod quam diu ibi steterit de bonis monasterii debet procurari.' The answer of the monks was, 'quod hoc facerent extraneo, multomagis homini suo de genere predictorum.'—(Reg. de Dunferm. p. 241.)

Fugitives to the sanctuary of Durham 'had meite, drinke, and bedding, and other necessaries,' for thirty-seven days, at the charge of the monastery.—(Rites of Durham, p. 36.)

Page 38, no. 68. *Quod honeste seruentur ecclesie.*

The first part of this statute is taken from the second chapter of the Constitutions of Sarum A.D. 1223.—(Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 600.)

Page 38, no. 69. *Infrascripti excommunicandi sunt quater in anno.*

Compare the thirty-third chapter of the Constitutions of Sarum, about A.D. 1217, or the forty-eighth statute of the Council of Durham A.D. 1220.—(Labb. et Coss. Conc. t. xi. coll. 256, 257; Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 578.)

Page 38, no. 70. *Dande sunt decime de omnibus que renouantur.*

Compare statutes 34-43, pp. 21-23.

Page 38, no. 71. *Quot collecte dicende sunt in Missis.*

Prayers for the King and Queen.

Either this statute, or statute 115, or more probably some like statute of a Provincial Council, now lost, seems to be referred to in the Act 'Of Orisones to be maid for the King the Queyn and thare childer,' made in the Parliament at Perth on the 11th of March 1425-6: 'Item sen befortyme the state of the Clergy of the realme wilfully grantit to ger be maid certane orisounes throu all the realme be thar subditis for Oure Souerane Lorde the King Oure Souerane Lady the Queyne and the childir cumande of thaim Tharfore now considerit the gret fauouris graciose zele and mantenaunce that Oure saide Souerane Lorde the King beris and schawis to Haly Kirk and to the ministeris of it the saide hail state of Clergy has wilfully grantit that ilk Bischop of the realme sal in the nixt senze ger ordane and statute that ilk preiste als wele religiouss as seculare of his diocy als oft as he sais Mess sall say a certane collect for the prosperite of Oure saide Lorde the King and of Oure Lady the Queyne and thare childir vndir a certane payn pecuniare and censure of Haly Kirk Ande at thai sal mak at thare nixt Generale Consale of the clergy a generale statute principaly tharupoun.' —(Act. Parl. Scot. vol. ii. p. 10: cf. p. 8.)

Page 39, no. 73. *De monitionem faciendo Leprosis.*

Leprosy

Cf. Decretal. Gregor. lib. iv. tit. viii. cap. 1. See in Dom Martene, De Antiq. Eccles. Rit. lib. iii. cap. x. vol. ii. coll. 1003-1014, the offices used by the church in separating the Leper from the rest of mankind. One of them is taken, 'ex Rituali ad usum provinciæ Remensis anno 1585 edito.'

Among other ordinances as to Lepers made by the Scottish Parliament in 1427-8, it was enacted, that 'the Bischoppis, Officiallis, and Denys inquire diligently in thare visitacionis of ilk pariche kirk gif ony be smyttit with Lippir ande gif ony sic be fundyn swa smyttit at thai be deuuncit to the King gif thai be secularis ande gif thai be clerkis to thare Bischoppis.'—(Act. Parl. Scot. vol. ii. p. 16.) Compare vol. i. pp. 58, 92*, 316, 317, 328, 365.

As late as the middle of the sixteenth century, the four points of inquest at the yearly head court of the shire, were 'scabe, lipper, vaytht, pykery.' In 1560, the head court of Linlithgowshire, 'fyndis Patrik Chepman to be lepir,' and orders him 'to be sene be cunning men of craft.'—(Lib. Act. Cur. Vicecom. de Lynlychtquhow, foll. 3, 124, 131, 191. MS. Reg. House.)

Professor J. Y. Simpson has written the history of Leprosy in Scotland in three admirable papers read before the Edinburgh Medico-Chirurgical Society, and printed in the Edinburgh Medical and Surgical Journal for October 1841, and January and April 1842. Their republication is very much to be wished.

Page 40, no. 76. *Quod lucte et ludi non fiant in ecclesijs nec in cimiterijs.*

Sports in churches and churchyards.

St. Ailred of Rievaux describes a bull-bait on St. Cuthbert's day A.D. 1164, in the churchyard of Kirkcudbright.—(Reg. Dunelm. Lib. de B. Cuth. Virt. capp. lxxxiv. lxxxv.)

There is a story of an obscene pastime in the churchyard of Inverkeithing in Fife A.D. 1282, in the Chron. de Lanercost, p. 109.

Page 40, no. 77. *Sacramentum Eucharistie non est denegandum parochianis, etc.*

Compare the twenty-sixth statute of the Council of Oxford A.D. 1222, and the fourth chapter of the Constitutions of Cardinal Otho in the Council of London A.D. 1237.—(Wilkins' Conc. Mag. Brit. et Hib. t. i. pp. 589, 650.)

Compare also statute 292, p. 174, made in the Provincial Council of Edinburgh A.D. 1558-9.

Page 41, no. 80. *Quod rectores ordinentur et seruiant ecclesijs.*

Rectors not in orders.

The first clause of this statute may be explained by a statute of the Council of Oxford A.D. 1222: 'Uniuersi rectores ecclesiarum, qui

vulgariter dicuntur personae, qui non sunt in sacris ordinibus constituti, ad ordinis celebrationem accedant, ut ibi promoveantur ad minus in subdiaconos, et ad hoc frequenter moneantur, et, si necesse fuerit, compellantur.'—(Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 596.)

The 'qui vulgariter dicuntur personae' will recall the 'octo terram tenentes qui dicebantur persone' of the 'Sententia super terra de Aberbuthenoth que vocatur Kirketun,' given by the diocesan synod of Perth A.D. 1206.—(Miscell. Spald. Club, vol. v. p. 210, app. to pref. p. 63.)

The second and third clauses of the statute are taken from the Constitutions of Sarum A.D. 1223, in Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 601.

The last clause of the statute refers to the Fourth Lateran Council A.D. 1215, cap. xxxix. —(Labb. et Coss. Conc. t. xi. coll. 180, 181.)

Compare statutes 108, 134, 137, 206, 271.

Page 42, no 81. *Quod laici non teneant placita in ecclesia.*

Compare statute 29, p. 19; statute 93, p. 46; note, p. 263.

A secular ordinance of unascertained date forbade 'quod placita vite aut terrarum seu aliquarum querelarum tenta sint in sancta ecclesia vel in cimeterio vel in aliquo alio loco sacrato.' —(Act. Parl. Scot. vol. i. p. 388: cf. vol. ii. p. 245.)

As to the clause forbidding the laity to sit or stand beside the altar, see Dom Martene, De Antiq. Eccl. Rit. lib. i. cap. iii. art. ix. vol. i. coll. 341, 342: 'chorus olim laicis inaccessus.'

Page 42, no. 82. *Quod focarie et concubine sacerdotum vel clericorum beneficiatorum non admittantur in ecclesiam.*

Compare statutes 18, 23, 54, 63, 171. Compare also the ninth statute of the Council of Durham A.D. 1220, in Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 574.

Page 42, no. 83. *Quod Matrimonia sine Bannis non contrahantur.*

Cf. statutes 66, 121, 124, 155, 156, 251.

Page 42, no. 84. *De teneris infantibus custodiendis.*

Compare the fifteenth chapter of the Constitutions of St. Edmund of Canterbury A.D. 1236, in Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 636; and the fourteenth chapter of the Synodal Constitutions of the Sudreys and Man A.D. 1291-2, in the Monast. Anglican. vol. v. p. 254.

Page 43, no. 85. *De potibus dandis egrotis.*

Compare the eighteenth statute of the Council of Avignon A.D. 1326, and the one hundred and sixteenth statute of the Council of Lavaur A.D. 1368.—(Labb. et Coss. Conc. t. xi. coll. 1730, 2024.) Potions for the sick.

Page 44, no. 87. *De decimis minutis.*

Compare the fifteenth chapter of the Synodal Constitutions of the Sudreys and Man A.D. 1291-2, in the Monast. Anglican. vol. v. p. 254; and the first and second statutes of the Council of Merton A.D. 1305, in Wilkins' Conc. Mag. Brit. et Hib. t. ii. pp. 278, 279.

Page 44, no. 88. *De Mortuariis.*

Cf. statutes 100 and 281; and see below, note on statute 281. Cf. Lib. Official. S. Andree, pp. xxix.-xxxi., 119, 120, 127, 128; and the Synodal Statutes of the Sudreys and Man A.D. 1229, chap. iii. in the Monast. Anglican. vol. v. p. 253. Mortuaries, or Corse-presents.

'Mortuaries, payable in beasts,' says Selden, 'were reputed due upon the general presumption of every defunct's negligence in payment of his personal tythes. The mortuary was . . . by the canons, to be presented with the body at the burial, as a satisfaction of omission and negligence in paying to the church those personal duties. And thence was it stiled Corse-present.'—(Hist. of Tythes, chap. x. § 2, Opera, t. iii. col. 1223.)

The payment of the mortuary seems to be

enjoined by Irish canons believed to be of the eighth century: 'Synodus Hiberniensis decrevit, ut unoquoque mortuo de substantia ejus pars detur Sacerdotibus, quia Aaron sumebat partem uniuscujusque oblationis, sive principis sive famuli, et sedatium commune de substantia omnis mortui dandum . . . Omne corpus sepultum habet in jure suo vaccam, et equum, et vestimentum, et ornamentum lecti sui: nec quidquam horum redditur in alia debita; quia corpori ejus tanquam vernacula debentur.'—(Dacher. Vet. Script. Spicileg. t. ix. pp. 5, 12.)

The mortuary appears to be referred to, although it is not named, in an agreement between the Bishop of St. Andrews on one side, and the Abbot of Dunfermline on the other, as to the rights of the parish church of Eccles or St. Ninian's, and the chapel of the castle of Stirling, between the years 1139 and 1159: 'Et qui mortui fuerint siue sint de mancipiis dominiorum [Regis in soca de Striuelin] siue de parochia [de Striuelin], corpora eorum iaceant in cimiterio parochiali, cum rebus quas debent habere mortui secum ad ecclesiam.'—(Reg. de Dunferm. pp. 8, 9.)

The mortuary is clearly described, but still not named, in an ordinance of the Bishop of St. Andrews, between the years 1203 and 1238: 'uiuis animalibus cum corporibus defunctorum ecclesie legatis.'—(Reg. Priorat. S. Andree, p. 159.) It is named in a deed of the Prior of St. Andrews, between the years 1226 and 1258: 'Mortuariis cum corporibus defunctorum.'—(Id. p. 177.)

Pope Honorius III., A.D. 1222, granted a bull to the Cistercians, empowering them to receive persons into their fraternity without payment of the mortuaries claimed by their chaplains or priests: 'in quibusdam partibus consuetudo detestabilis inoleuit, uidelicet, quod cum aliqui emulantes carismata meliora monasteria uestri ordinis uolunt causa religionis intrare . . . capellani eorum donec ab ipsis pecuniam que Mortuarium nuncupatur extorqueant, prout a parrochianis suis decedentibus consueuerunt accipere, illis temere se opponunt.'—(Reg. de Neubottle, pp. 198, 199.)

By the constitution of Peter of Ramsay, bishop of Aberdeen, 'de solucione iurium funeralium,' A.D. 1256, no mortuaries were to be taken from any canon, vicar, or clerk, nor from any of their servants, dying within the canonry or cathedral close: 'a canonicis vicariis et clericis necnon et eorum mancipijs infra claustrum decedentibus nichil ratione Mortuarij ab aliquo exigatur.'—(Reg. Episc. Aberd. vol. ii. p. 43.) This was held to free the canons, etc., from any payment for confirmation of their testaments.—(Id. vol. ii. pp. 87-90.)

Page 45, no. 89. *De cereo Paschali.*

Easter candles.

As to the 'Cereus Paschalis,' compare Du Cange and Carpentier, with what is quoted by M. Léopold Delisle from the Registre des Amendes de l'Officialité de Cerisi: 'A.D. 1315: Pro cereo Pasche quilibet parrochianus solvit ij denarios.'—(Etudes sur la Classe Agricole en Normandie au Moyen Age, p. 99.)

The Sunday penny

The 'nummus Dominicalis' is obviously the 'denarius Dominicalis qui parocho qualibet die Dominica pensitatur,' as Dom Carpentier explains it; the 'denarius de Palma,' which Du Cange glosses as 'ille qui singulis diebus Dominicis a fidelibus offerebatur;' and the 'denarius Sacramenti,' if Du Cange be right in his conjecture: 'denarii qui singulis offerebantur Dominicis, ideoque Sacramentorum dicti.' We find the name of 'the penny offerand' given in Annandale, A.D. 1489, to the oblations of the parishioners on the festival of their patron saint. —(Act. Dom. Audit. pp. 130, 131.)

The penny offering.

Compare as to the 'panis a quolibet habente per se domum,' the citations from Norman chartularies by M. Delisle (p. 99): 'A.D. 1240: Debet percipere de unoquoque parrochiano unum panem et unum denarium ad festa precipua.'

The christening candle; and the 'cude,' 'pannus chrismalis,' or chrisom.

The 'cum Cathecumino deferatur candela et vestis munda et candida'—the 'pannus crismalis' of statutes 56 and 108—may be explained by a sentence or two from an Order of Baptism of the eleventh century, printed by Dom Mar-

tene: '*Et vestitur infans vestibus candidis, et mittatur chrisma super caput ejus, ita dicendo:* Accipe vestem candidam, quam perferas ante tribunal Christi in vitam æternam, et vivas in sæcula sæculorum. Amen. *Respondet tenens:* Perferam. *Postea ponit sacerdos candelam in manu sua, ita dicendo:* Accipe candelam irreprehensilem, custodi baptismum tuum, ut cum Dominus venerit ad nuptias, possis occurrere in aula cœlesti in vitam æternam in sæcula sæculorum. Amen.'—(De Antiq. Eccl. Rit. lib. i. cap. i. art. xviii. t. i. coll. 202, 150, 151, 157.) See below, note on statute 293.

Lights at Candlemas

The name of 'Candlemas' sufficiently illustrates the requirement of 'ad Purificacionem [Beate Marie Virginis] tres candele.' Cf. Bp. Sparrows' Ration. of Book of Comm. Prayer, pp. 184-186. edit. 1840; Invent. of Mary Queen of Scots. pref. p. lxiv. note 4; Deposit. from the Courts of Durham, pp. 21-23.

Page 45, no. 92. *De herbagio spectante ad sacerdotem.*

Right of the parish priest to common pasture in his parish.

In the year 1225, Duncan lord of Carrick, and in the year 1226-7, Maldoueni earl of Lennox, consented that the clergy of Carrick and the Lennox should have common pasture throughout their lands, according to the statutes of the church: 'ut clerici per totam terram communem habeant pasturam iuxta tradiciones sanctorum patrum et ecclesie statuta.'—(Reg. Episc. Glasg. vol. i. pp. 117, 119.)

In the year 1232, David lord of Strathbogie, acknowledged the right of every parish priest in that northern fief to the common pasture of the parish, according to the canons of the Scottish church: 'Quilibet vero sacerdos . . . habebit sibi et suis communem pasturam per totam parochiam suam, secundum quod est provisum et constitutum ab Episcopis regni Scoticani in Concilio eorundem.'—(Reg. Episc. Morav. p. 29.)

Page 46, no. 93. *De choro non intrando et de cemeteriis.*

Compare statute 81, p. 42. Compare also the third and fifth chapters of the Constitutions of Winchester A.D. 1240, in Wilkins' Conc. Mag. Brit. et. Hib. t. i. p. 666.

Page 46, no. 94. *De Refugiis.*

Every church having right of christening or of burial, to have right of girth for thirty paces round its graveyard.

Compare statutes 26, 67; notes, pp. 261-263, 271.

Pope Nicholas II. wrote to the Bishops of Gaul that the Synod of Rome, A.D. 1059, had decreed as to the right of sanctuary, in accordance with what had been ordained of old, 'vt major ecclesia per circuitum sexaginta passus habeat, capellæ vero, sive minores ecclesiae, triginta.'—(Labb. et Coss. Conc. t. ix. col. 1096.)

Pope John VIII. is said to have decreed, about A.D. 878, that 'sacrilegium committitur, si quis infregerit ecclesiam, vel triginta ecclesiasticos passus, qui in circuitu ecclesiæ fuerint.'—(Decret. caus. xvii. qu. iv. cap. xxi.)

The Twelfth Council of Toledo, A.D. 681, declared 'esse his qui ecclesias petunt, per omnia licitum, in triginta passus ab ecclesiæ ianuis progredi, in quibus triginta passibus vniuscuiusque ecclesiæ in toto circuitu reuerentia defendatur.'—(Decret. caus. xvii. qu. iv. cap. xxxv.)

Page 47, no. 98. *De decimis pandaxatorum.*

Compare the eleventh chapter of the Synodal Statutes of the Sudreys and Man A.D. 1229, in the Monast. Anglican. vol. v. p. 253.

Page 47, no. 100. *De Mortuariis et de bonis defuncti ab intestato.*

Goods of intestates to be administered by their Bishops.

Cf. statutes 88, 166, 281; and see below, note on statute 166. Cf. also the Synodal Statutes of the Sudreys and Man A.D. 1229, chapp. ii. iii., in the Monast. Anglican. vol. v. p. 253.

The Provincial Statute, no. 51, p. 26, ordered sentence of excommunication to be read in all the churches in Scotland four times a year, against 'omnes impedientes Ordinarios quo minus de bonis ipsorum decedencium ab intestato secundum consuetudinem ecclesie Scoticane rite ualeant ordinare.'

It was enacted by a secular statute of unascertained date, that 'omnes peregrini et aduene libere hospitentur vbi voluerint, et hospitati si

testari voluerint liberam inde habeant facultatem quorum ordinacio inconcussa seruetur: Si vero intestati decesserint, ad hospitem nil perueniat sed bona eorum per manus Episcopi in cuius episcopatu sunt perueniant et tradantur.'—(Act. Parl. Scot. vol. i. p. 388: cf. p. 289.)

See Selden's tract 'Of the Disposition or Administration of Intestates' Goods,' in his Opera, vol. iii. coll. 1676-1685.

Page 48, no. 101. *Par penitentia ei indicitur qui spiritualem filiam et penitentialem suam violare monstratur.*

This statute is taken from Gratian's Decretum, caus. xxx. qu. i. cap. 8: 'Omnes.'

Page 48, no. 102. *De eodem.*

This statute is transcribed from Gratian's Decretum, caus. xxx. qu. i. cap. ix: 'Si quis.' Compare statute 54.

Page 48, no. 103. *De eodem.*

The statute is taken from Gratian's Decretum, caus. xxx. qu. i. cap. x: 'Non debet.' Compare statute 54.

Page 49, no. 104. *Quod laici domos vel bona personarum ecclesiasticarum non occupent.*

This statute would seem to have been passed in the Provincial Council held at Perth A.D. 1242: 'ubi Rex interfuit, cum omnibus comitibus et baronibus totius terræ suae, vocatis ad instantiam cleri conquerentis de militaribus infestantibus eum de decimis et immunitatibus ecclesiae.'—(J. de Ford. Scotichron. lib. ix. cap. 59.) The statute, it will be seen, is ordered to be published 'in singulis ecclesiis parochialibus et capellis militum quater in anno.'

Compare the 'Litera inhibicionis pro monasterio nimis suppresso,' printed in the appendix, no. iv. p. 240. Compare also the twelfth chapter of the Constitutions of the Papal Legate Cardinal Othobon, published in the Council of London A.D. 1268, in Wilkins' Conc. Mag. Brit. et Hib. t. ii. p. 8.

In the year 1442 the Prior of Durham called upon the Bishop of St. Andrews to excommunicate certain Homes who had seized the Priory of Coldingham, 'contra constitucionem Domini Octoboni, olim Sedis Apostolicæ in Anglia et Scocia legati, quæ incipit *Ad tutelam*.'—(The Priory of Coldingham, pp. 139, 140.)

Page 50, no. 105. *De clericis alienigenis.*

Compare the first chapter of the Provincial Constitutions of Canterbury A.D. 1322, levelled against clergy ordained in Ireland, in Wales, or in Scotland, in Wilkins' Conc. Mag. Brit. et Hib. t. ii. p. 512. Clergy in foreign orders.

In 1296 the Bishop of St. Andrews pronounced sentence of deprivation against twenty-six English clergy beneficed in his diocese.—(Priory of Colding. pp. 246-255. J. de Ford. Scotichron. lib. vi. cap. lxiv. lib. xi. cap. xxi.)

In 1466, the Scottish Parliament ordained 'that na Inglis man haue na benefice seculare nor religous within the realme of Scotlande eftir the forme of the Act maid tharuppon be King Robert the Brois.'—(Act. Parl. Scot. vol. ii. p. 86.) The statute of King Robert I. is not preserved.

In an earlier age, the gulph of separation was still wider. The churches regarded one another not only as alien, but as heterodox. Thus it was ruled by Ecberght archbishop of York A.D. 735-766, 'qui ordinati sunt a Scottorum vel Brittonum episcopis, qui tonsuram, ut ceteri ecclesiastici presbyteri, non habent, nec Pascha ita observant uti nos observamus, ab episcopo orthodoxo, manus impositione et oratione, confirmari debent: similiter ecclesiæ, ab episcopis illis consecratæ, aqua benedicta debent aspergi.'—(Mr. Thorpe's Anc. Laws of Engl. p. 390.)

Page 51, no. 108. *De vita et honestate clericorum.*

Compare the 'Inquisitiones per archidiaconatus episcopatus Lincolniensis a singulis archidiaconis faciendæ' A.D. 1230, and the Synodal Statutes of Norwich A.D. 1257, in Wilkins' Conc. Mag. Brit. et Hib. t. i. pp. 627, 628, 731-736; Labb. et Coss. Conc. t. xi. coll. 479, 480.

Page 52, line 11: *quod filii proximo administrantium dimittant beneficium.*

Hereditary parsons.

Cf. Decretal. Gregor. lib. i. tit. xvii. capp. iii.-v. vii. ix. x.-xiii. xv.-xvii; Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 653.

Pope Urban III., A.D. 1185-7, empowered the Bishop of Glasgow to remove the sons of priests from churches which they claimed to hold as of hereditary right, and of which their fathers had been the last incumbents: 'Preterea filios sacerdotum paternas ecclesias quasi hereditario iure sibi uendicantes, et eis contra statuta canonum et sancte ecclesie libertatem taliter incumbantes, sublato apellacionis obstaculo ab ecclesiis in quibus patres eorum ante ipsos proximo ministrarunt nostra fretus auctoritate remoueas, nisi forte aliquem propter probatam honestatem et diutinam possessionem sub dissimulacione uideris transeundum.'—(Reg. Episc. Glasg. vol. i. p. 59.)

Seven years after the date of this bull, in a suit as to the advowson of a church in the county of Norfolk A.D. 1194, the assize declared that they had never seen the presentation of any parson to the church, but that it had always been held from parson to parson, and from father to son, until the death of the last parson: 'quod nunquam viderunt aliquam personam presentari ad ecclesiam de Dunestone, set semper tenuerunt persone, [de] persona in personam et de patre in filium usque ad ultimam personam que ultimo obiit.'—(Sir F. Palgrave's Rot. Curiæ Reg. vol. i. pp. 37, 38, introd. § XVII. pp. xxviii.-xxxi.) Cf. Eadmeri Hist. Novorum, pp. 7, 91, 195. edit. Seld.

Hereditary canons.

Cf. Hist. Beati Reguli in Pinkerton's Enq. into Hist. of Scot. vol. i. pp. 463, 498. edit. 1814: 'Habebantur tamen in ecclesia Sancti Andreæ . . . tredecim per successionem carnalem quos Keledeos appellant.'

See statute 263, 'De non promovendis filiis presbyterorum in ecclesiis paternis,' passed in the Provincial Council of Edinburgh A.D. 1558-9.

Page 52, line 18: *quod Festum Stultorum penitus tollatur.*

Feast of Fools.

It was in vain that the Feast of Fools was forbidden. In the shape of 'the Boy Bishop,' it is found in St. Salvator's College at St. Andrews in the fifteenth century.—(Miscell. Mait. Club, vol. iii. p. 199.)

The Boy Bishop

Page 53, lines 1-6: *Ad pastorale spectat officium . . . . contempnere videamur.*

The Bishop of St. Andrews' preamble to his Constitutions of the year 1242, was borrowed by the Bishop of the Sudreys and Man for his Synodal Constitutions of the year 1350.—(Monast. Anglican. vol. v. p. 255.)

Page 54, no. 111. *Crisma Eucharistia et Baptizaria sub sera claudantur.*

This statute is transcribed from the twentieth canon of the Fourth Lateran Council A.D. 1215.—(Labb. et Coss. Conc. t. xi. coll. 172, 252, 253.)

It appears among the Constitutions of Sarum, about A.D. 1217, and among the Constitutions of St. Edmund of Canterbury A.D. 1236.—(Id. t. xi. coll. 252, 253, 507.)

It is found also in the Decretal. Gregor. lib. iii. tit. xliv. cap. 1.

Page 54, no. 113. *De vita et honestate clericorum.*

The 'sotulares et manicæ liguantes' forbidden by this statute, are no doubt the 'manicæ et sotulares laqueati' forbidden by a canon of a Council of unascertained place and date, published by Martene and Durand in their Thesaur. Nov. Anec. t. iv. col. 150.

Cf. Du Cange, *v.* 'Laquatus,' 'Laqueatæ Vestes,' and Carpentier, *v.* 'Laqueare.'

Page 55, no. 114. *De focariis vel concubinis clericorum.*

The canon cited is the Decretum, caus. xxx. qu. 1, cap. 8: 'Omnes;' cap. ix: 'Si quis.' It is transcribed in statutes 101, 102, p. 48.

Compare statutes 18, 23, 54, 63, 82, 103, 108, 113, 143, 172-174, 261-264.

Page 56, no. 115. *De celebratione Missarum.*

Compare the Synodal Statute of Aberdeen 'De celebratione Missarum,' no. 60, pp. 33, 34.

Page 57, no. 117. *De custodia Eucharistie et Visitatione Infirmorum.*

Compare the Synodal Statute of Aberdeen 'De custodia Eukaristie et Visitatione Infirmorum,' no. 61, p. 34.

Page 57, no. 118. *De Baptismo et forma Baptizandi.*

Compare the Synodal Statute of Aberdeen 'De Baptismo,' no. 56, pp. 30, 31.

Page 58, no. 119. *De Penitentia.*

Extreme unction

Compare the Synodal Statute of Aberdeen 'De Extrema Vnctione,' no. 62, pp. 34, 35.

Why it was necessary to preach the lawfulness of repeating extreme unction, appears from the sixth statute of the Synod of Exeter A.D. 1287: 'quoniam quidam laici imperiti de hoc sacramento nequiter sentientes illud abhorrent in tantum quod vix velint illud suscipere etiam in extremis, fatue æstimantes, quod, post ipsius susceptionem, carnis esum, nudis pedibus incessum, copulam carnalem etiam cum uxore legitima sibi fore penitus interdicta.'—(Wilkins' Conc. Mag. Brit. et Hib. t. ii. p. 135.)

Page 58, no. 121. *De Matrimonio.*

Compare the Synodal Statutes of Aberdeen 'De Matrimonio,' no. 66, pp. 36, 37; 'Quod Matrimonia sine Bannis non contrahantur,' no. 83, p. 42; the Synodal Statute of St. Andrews 'Ne Nuptie sint benedicte sine Bannis,' no. 155, p. 68; and the statutes of the Provincial Council of Edinburgh A.D. 1551-2, nn. 251, 252, pp. 134, 135.

Page 59, no. 122. *Denunciatio quater in anno in ecclesiis fienda.*

Compare the Provincial Statute, no. 51, pp. 26, 27, and the Synodal Statute of Aberdeen, no. 69, p. 38.

As to the oath spoken of in the last clause of the statute, see the seventh statute of the Synod of Exeter A.D. 1287, in Wilkins' Conc. Mag. Brit. et Hib. t. ii. p. 136.

Compurgation.

The clause enjoining the priest to warn his parishioners, 'ne obtentu prave consuetudinis que jam inolevit ex alicujus amore vel precepti intuitu quis juret cum vicinis suis contra conscientiam suam,' obviously points to an abuse springing out of the ancient practice of exculpation by compurgators. See Decretal. Gregor. lib. v. tit. xxxiv: 'De purgatione canonica.' Compare also Act. Parl. Scot. vol. i. pp. 5, 7-9, 24-26, 28, 42, 380; Antiq. of Shires of Aberd. and Banff, vol. iii. p. 373.

Proof by compurgation appears to have survived till 1575 in the diocese of Durham, and till 1729 in the diocese of Man.—(Depositions from the Courts of Durham, p. 308; Cumming's Rushen Castle and Abbey, pp. 14, 15.)

Page 60, no. 124. *Quod Matrimonia vel Sponsalia sine testibus non contrahantur.*

Compare the Synodal Statute of Aberdeen, no. 83, p. 42; and the Synodal Statutes of St. Andrews, nn. 155, 156, p. 68.

Page 60, no. 126. *Ne Religiosi sub certo pretio admittantur.*

This was forbidden by the tenth canon of the Third Lateran Council A.D. 1179.—(Labb. et Coss. Conc. t. x. col. 1514.)

Page 60, no. 127. *Ne clerici officia vel commercia exerceant.*

This statute is taken from the sixteenth canon of the Fourth Lateran Council A.D. 1215.—(Labb. et. Coss. Conc. t. xi. coll. 168, 169.) It appears in the Decretal. Alex. III. tit. xii. cap. 1.

Compare statute 22, p. 16; statute 175, p. 89; and statute 266, pp. 156, 157.

Page 60, no. 128. *Ne clerici sententias sanguinis dictent vel scribant.*

This statute is taken from the eighteenth

chapter of the Fourth Lateran Council A.D. 1215.—(Labb. et Coss. Conc. t. xi. coll. 169, 171.)

Page 62, no. 134. *De residentia et ordinatione Vicariorum.*

Compare statutes 108, 137, 206, 271.

Vicars to be in priests' orders.

The ordinance appealed to as lately made by the Legate Otho, is the tenth chapter of his Constitutions published in the Council of London A.D. 1237: 'Ad vicariam statuimus nullum de cætero fore admittendum, nisi jam in presbyterum ordinatum, vel saltem diaconum in proximis Quatuor Temporibus ordinandum, qui renuncians aliis beneficiis, si quæ habeat curam animarum habentia, juret residentiam ibi facere, ac eam faciat continue corporalem; alioquin institutionem ipsius decernimus fore nullam, et vicariam alii fore conferendam. Sicque illudatur illi dolo, quo sæpe assignato alicui nomine personatus aliquo modico, simulate dabatur alii ecclesia, ficto nomine vicariæ; qui timens alia perdere beneficia, metuebat eam recipere ut persona. De jam vero institutis vicariis, qui non sunt presbyteri (cum vicarii teneantur in propriis personis ecclesiis deservire) statuendo præcipimus, ut infra annum ad minus se faciant in presbyteros ordinari; alioquin si per eos steterit, quominus infra annum (ut diximus) ordinentur, eos extunc vicariis eisdem fore decernimus privatos. Et de residentia circa eos statuimus, quod de instituendis supra diximus statuendum.'—(Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 651.)

Page 63, no. 137. *Quod Rectores ordinentur.*

Compare statutes 108, 134, 206, 271.

Page 63, no. 138. *Ubi debent audire confessiones mulierum.*

Compare the twenty-fifth chapter of the Constitutions of Sarum, about A.D. 1217, or the thirty-fifth statute of the Council of Durham A.D. 1220.—(Labb. et Coss. Conc. t. xi. col. 254; Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 577; Prouinciale Guil. Lindewode, lib. v. fol. cclvj. edit. Antw. 1525.)

Page 63, no. 139. *De promulgatione et observatione Constitutionum premissarum.*

The date of the Synod left incomplete in the MS. is supplied by John of Fordun: 'Hoc anno [A.D. 1242] David de Bernhame episcopus S. Andreæ tenuit synodum suam apud Muskilburg, ubi multa laudabilia fecit statuta, scilicet die Lunæ proxima post Inventionem Sanctæ Crucis.'—(Scotichron. lib. ix. cap. lviii.)

Page 64, no. 140. *Quod Rectores et Vicarii habeant Statuta Synodalia et ea sciant legere et intelligere.*

It was ordained by the Synod of Saintonge, A.D. 1280, 'ut quilibet capellanus Statuta Synodalia . . . habeat et . . . sciat ea plane legere et intelligere.'—(Labb. et Coss. Conc. t. xi. col. 1136.)

Page 65, no. 143. *Quod clerici suas focarias seu concubinas a se removeant.*

Compare statutes 18, 23, 54, 63, 82, 101-103, 108, 113, 114, 171-174, 261-264.

Page 65, no. 146. *Ne quis sacerdos plures Missas in die celebret.*

The clause, 'cum vix valeant unius officium perimplere, sibi vendicant stipendia plurimorum,' is borrowed from the thirteenth chapter of the Third Lateran Council A.D. 1179: 'cum unum officium vix implere sufficiant, stipendia sibi vendicent plurimorum.'—(Labb. et Coss. Conc. t. x. col. 1516.)

Page 67, no. 151: *quod quilibet Rector seu Vicarius et Presbyter parochialis habeat sigillum cum inscriptione nominis in circumferentia.*

Parish priests to have seals.

'En 1238 le Concile de Cognac décida que chaque église paroissiale aurait un sceau exprimant le nom de la paroisse, et non celui du curé. [Labb. et Coss. Conc. t. xi. col. 558.] . . . En 1228 un simple clerc n'avait pas de sceau; mais à la fin du XIIIe siècle et au suivant, les sceaux des clercs devinrent communs.'

—(Dict. de Diplomat. Chrét. col. 770: cf. Dict. de Sigillograph. *v.* 'Curé.')

Barons and other freeholders to have seals, not signets.

It was enacted by the Parliament of Scotland A.D. 1400-1, 'quod quilibet baro et alius tenens de Rege habeat sigillum proprium ad seruiendum Regi, ut de jure tenetur . . . et quod sigilla sint non signeta sicut ante ista tempora fieri consueuit.'—(Act. Parl. Scot. vol. i. p. 213.)

Page 67, no. 152. *Ne sacerdotes deferant longos cultellos qui vocantur* hangaris.

Priests not to carry hangers.

The Council of London, A.D. 1342, forbade the clergy to wear belts, 'cum cultellis, ad modum gladiorum ad ipsas pendentibus.'—(Wilkins' Conc. Mag. Brit. et Hib. t. ii. p. 703.)

Page 68, no. 155. *Ne Nuptie sint benedicte sine Bannis.*

Compare the Synodal Statutes of Aberdeen, nn. 66, 83, pp. 36, 37, 42; the Synodal Statutes of St. Andrews, nn. 121, 124, pp. 58-60; and the statutes enacted by the Provincial Council of Edinburgh A.D. 1551-2, nn. 251, 252, pp. 134, 135.

Page 68, no 156. *Ne Sponsalia contrahantur sine sacerdotis et testium presentia.*

Compare the Synodal Statute of St. Andrews, no. 124, p. 60; the seventh statute of the Synod of Exeter A.D. 1287, in Wilkins' Conc. Mag. Brit. et Hib. t. ii. pp. 135, 136; the Lib. Official. S. Andree, pp. xv. xvi.

Page 69, no. 158. *Ne excommunicati ad ecclesiasticam sepulturam admittantur.*

Absolution of the dead.

In the year 1445, 'Thar was ane richt gret herschipe maid in Fyff be . . . the Erll of Crawfurde . . . and this herschipe was maide on Sanctandris land . . . ande incontinent efter Bischope James Kennedy cursit solempnitlie with myter and staf buke and candill contynually a yer . . . and the forsaid Erll of Craufurde lay four days abone the yerd, and thar durst no man erd him, quhill the forsaid Bischop send the Prior of Sanctandris and [relaxit him fra the cursing].'—(Auchinleck Chronicle, pp. 7, 8, 38, 39.) Compare Lord Lindsay's Lives of the Lindsays, vol. i. pp. 130, 131.

Page 70, no. 161. *Nomina omnium decedentium in singulis parochiis Episcopo singulis annis in Consistorio suo reportanda.*

Parish registers of deaths to be kept.

Compare the statute 'De Clandestinis Matrimoniis, et Bannis, et Registris Curatorum,' enacted by the Provincial Council of Edinburgh A.D. 1551-2, no. 251, pp. 134, 135; the Tenth Annual Report of the Deputy Clerk-Register of Scotland, pp. 31, 32; and the Proceedings of the Society of Antiquaries of Scotland, vol. ii. pp. 313-315.

Page 71, no. 162. *De obediencia clericorum.*

This statute is transcribed from the General or Provincial Statute, no. 48, p. 24.

Page 71, no. 163. *Excommunicatio generalis.*

Compare the Bishop of Exeter's 'Articuli pro quibus incurritur sentencia excommunicationis ipso facto' A.D. 1373, in Wilkins' Conc. Mag. Brit. et Hib. t. iii. pp. 95, 96.

Compare also the Forms of Excommunication, p. 5, no. iv., and p. 6, no. v. in this volume.

Page 73, no. 164. *De reconciliacione ecclesie.*

Reconciliation of churches.

Compare the fourteenth statute of the Council of Saltzbourg A.D. 1281, in Labb. et Coss. Conc. t. xi. col. 1155.

Dr. Reeves has a long, and, I need not add, a learned and instructive note on the 'Reconciliation of Churches' in his Acts of Primate Colton's Visitation of the Diocese of Derry, pp. 93-106.

The parish church of the Holy Trinity at Berwick-on-the-Tweed, polluted by the blood of a 'clericus scholaris,' or Scoloc, shed by a brother Scoloc, was reconciled by David Bishop of St. Andrews, 'secundum jura canonum,' A.D. 1242.—(Dr. Raine's North Durham, app. no. ccccixxx. p. 89.) The office which the Bishop used is preserved in his Pontificale,

now in the Imperial Library at Paris (MSS. Fond. Lat. no. 1218), and a note on the fly-leaf records the date of the reconciliation.

An Account Roll of Coldingham A.D. 1313, shows a payment of 110 shillings 'in reconciliatione ecclesiæ de Coldingham, et expensis Domini Johannis de Norton pro obediencia facienda nomine Prioris apud Edenburght.'—(The Priory of Coldingham, p. xvi.)

Among other privileges which Pope Martin V. bestowed on the Abbot of Arbroath, A.D. 1420, was the privilege of reconciling churches: 'ecclesias capellas et cimiteria quocies . . . illa per effusionem sanguinis vel seminis emissionem aut excommunicatorum inhumacionem contigerit violari reconciliare: corporibus excommunicatorum si ab aliis corporibus discerni valeant primitus exhumatis et procul ab ecclesiastica sepultura iactatis: et aqua prius per aliquem antistitem ut moris est benedicta . . . dummodo tunc Episcopus Sanctiandree . . . vel alius . . . ordinarius presens non fuerit.'—(Reg. Rec. de Aberbroth. pp. 51-53).

Collegiate church of Roslin.

William Scheves, archbishop of St Andrews (A.D. 1478-1497), during his residence at the Papal Court, obtained from the Pope the privilege of reconciling churches by proxy: 'facultatem reconsiliandi ecclesias et alia pia loca sue prouincie per procuratorem seu alium presbiterum ydoneum quem ad idem duxerit eligendum.' In right of this privilege he commissioned certain clerks of his diocese to reconcile the collegiate church of Roslin, which had been stained by blood: 'ad reconsiliandum ecclesiam seu collegium de Roslin que . . . per violentam sanguinis effusionem pollutum siue polluta existit . . . recepta prius per vos aqua benedicta per antistitem ac seruatis in huiusmodi acta solempnitatibus de necessitate requisitis.'—(Gray's MS. fol. 296. Adv. Lib. Edinb. 34. 7. 3.)

Page 74, no. 165. *Qui dies debeant a clero et a populo obseruari ab opere seruili.*

Holidays

Compare the 'Festa et Ieiunia indicenda populo per annum seruanda' prefixed to the Breuiarium Aberdonense, Edinb. 1510-1511.

It was enacted by the Parliament which met at Edinburgh A.D. 1469, 'for samekle as the Setterday and vthir vigillis ar nocht of law biddin haly day bot fra evin sang to evin sang, that tharfor masonis, wrichtis, and vthir craftis men, that ar set for lang tyme or schort for the werk, sall wirk one the Settirday and vthir festuale evinnis quhil foure houris eftir none, vndir pain of tynsail of [thair] wolkis fee; and that [thay] keip na ma haly days na is biddin of halykirk of gret solempnit festis: And gif ony dois in the contrare that the Ordinar lede proces of cursing vpone thame.'—(Act. Parl. Scot. vol. ii. p. 97.)

Page 77, no 166. *Declaratio pro portione canonica pro confirmatione testamentorum.*

Rights of bishops in the confirmation of testaments, and the administration of the goods of intestates.

The Parliament of 1427 enlarged the rights of confirmation asserted in this Declaration, by enacting that the testaments of all Scots dying abroad should be confirmed by their Ordinaries in Scotland, 'non obstante quod quedam ex bonis huiusmodi decedencium tempore sui obitus fuerint in Anglia vel in partibus transmarinis.'—(Act. Parl. Scot. vol. ii. p. 14.)

The rights of the Ordinary in the case of persons dying intestate (compare statute 100, and note, pp. 275, 276) were curtailed A.D. 1540, when, on the narrative that 'fforsamekile as oft tymes young personis deis that may nocht mak testamentis, the Ordinaris vsis to gif thair executoriis dativis to thair gudis, quhilkis intromittis thairwith and withedrawis the gudis fra the kyn and freindis that suld haue the samin be the law,' it was ordained by the Parliament 'that quhair ony sic persoune deis withein aige that may nocht mak thair testamentis, the nerrest of thair kin to succeid to thaim sall haue thair gudis, without preiudice to the Ordineris anent the coite of thair testamentis.'—(Act. Parl. Scot. vol. ii. p. 377.)

As thus limited, the rights asserted in the Declaration in the text were extended by statute 213, made in the Provincial Council of

Edinburgh A.D. 1549, to the diocese of Orkney, and by statute 243, made in the Provincial Council of Edinburgh A.D. 1551-2, to the diocese of the Sudreys or the Isles. Neither of these sees was, at the date of the Declaration, within the pale of the Scottish Church. Both were still suffragans of the Archbishop of Drontheim.

Lord Hailes (Annals of Scotland, vol. i. app. no. iv.) argued from the Declaration in the text that an erroneous interpretation had been put upon a statute published by Sir J. Skene as a statute made by King William the Lion.—(Reg. Majest. Stat. Wilhelmi Regis, cap. xxii. p. 11.) A comparison of the ancient MSS. has shown that the statute is spurious.

See, on the subject of this canon generally, Selden's tracts 'Of the Original of Ecclesiastical Jurisdiction of Testaments,' and 'Of the Disposition or Administration of Intestates' Goods.'—(Opera, vol. iii. coll. 1664-1675.)

Page 79, no. 167. *Declaracio veteris consuetudinis Regie in presentacionibus beneficiorum sedibus vacantibus.*

Right of the Scottish King to present to all benefices in the patronage of the church, etc., during vacancies of the Bishops' sees.

The object of this Declaration by the Provincial Councils of A.D. 1457 and A.D. 1459, was to strengthen the King against the Pope. Cf. Extravag. Commun. lib. i. tit. iii. cap. iv. lib. iii. tit. ii. capp. i. xi. xiii. xiv. It was enforced by secular statute A.D. 1462: 'Quia per deligentem exquisitam et maturam inquisicionem ac deliberacionem diuersorum Consiliorum Provincialium cleri Ecclesie Scoticane merediana luce clarius compertum est excellentissimos et potentissimos Principes illustrissimos Scocie Reges, tempore tanto quod in huiusmodj memoria contrarium non existit, ex veterj consueta et laudabili consuetudine fuisse in possessione presentandj [ad] omnia et singula beneficia ad ecclesiasticum patronatum et collacionem ordinariam pertinentia et ad electiua secularia eciam si maiora post pontificales ac eciam ad alia generaliter seu specialiter qualitercunque reseruata vbilibet in Romana curia ac alubj vacancia seu quouismodo morte resignacione seu alias vacantibus Episcopalibus sedibus donec ad temporalitatem Episcopi admittantur: Ex vniformj deliberacione Statuum Regnj auisatum conclusum et deliberatum ac statutum extitit, quod nullus regnj Scocie clericus, cuiuscunque status gradus condicionis ac eminencie existit, presumat, vacantibus sedibus morte resignacione seu alias, de beneficijs predictis electiuis reseruatis seu alias apud Sedem Apostolicam aut alubi vacantibus, per eandem Sedem Apostolicam aut virtute gratiarum exspectatiuarum reseruacione seu jure ordinario, in contemptum priuilegij Regij tanto tempore obseruatj et tentj, sibj facere prouiderj, aut prouisione modo vt premittitur facta in dirogacione juris corone Regis vtatur, aut possessione dictj beneficij virtute dicte prouisionis retineat, sub pena amissionis beneficij . . . per eum prius habitj . . . infra regnum, et inhabilitatis . . . habendj . . . nisi postquam hoc presens actum . . . in eius noticiam deuenerit, premissum beneficium sic . . . in contrarium juris Regij adeptum . . . cum effectu dimiserit; nichilominus pro Regia offensa in hac parte et actj transgressione alias si culpe qualitas exigerit per suum judicem condigna animaduersione plectendus.'—(Act. Parl. Scot. vol. ii. p. 83.)

The Parliament of 1481 ordained 'anent the priuilege of the Croune vsit and obseruit in all tymes bigane, tucching the presentacioune of beneficis in the tyme of the vacacioune of the segis of Bischoppis, that Our Souerane Lorde and his successouris sall in tym tocum, the tyme of the vacacioun of the sege, haue powere to present to beneficis all tymes quhil the Bischop and Prelat mak his bullis of prouisioune to be schawin to the Kingis Hienes and his chaptour; ande in caise that Oure Souerane Lorde, of his speciale grace and fauouris admytt ony Prelait to his temporalite befor the schawing of his bullis as said is, that sic admissioune salbe na preiudice nor scatht to his Hienes anent his said priuilege and rycht of presentacioun. Item it is . . . ordanit that the Act of Parliament maid of befoir for punitioun of the persounis that . . . dois ony thing contrare to the said priuilege

salbe extendit alsweill vpone thame that takis officis of procuratioun on thame, or supportis . . . thay personnis with money and fynance, to be punist as the principall doaris: And attour, gif ony persoun . . . purchessis ony commissioun of the Sege of Rome to be pronydit of ony benefice that beis fundin vacand, the sege of the Bischop vacand for the tyme, the personnis that . . . vsis sic commissiounis salbe . . . haldin as . . . violatours of Our Souerane Lordis priuilegis, and . . . the Act of Parliament, and incur the panis contenit in the samin.'—(Act. Parl. Scot. vol. ii. pp. 133, 141.)

The statute as thus extended, was renewed or enforced by the Parliaments of 1483, 1485, 1487, 1488, 1493, 1496, 1525, 1526, and 1540.—(Id. pp. 166, 173, 183, 209, 210, 232, 237, 238, 294, 306, 315, 316, 377.) The due execution of these statutes was one of the points of reform asked in the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, printed above, p. 150.

Page 81, line 17: *Et cum duæ potissimum malorum causæ et radices appareant, quæ tantas nobis turbas et hæresium occasiones excitavere, nimirum in personis ecclesiasticis, omnium fere graduum, morum corruptela ac vitæ profana obscœnitas, cum bonarum literarum artiumque omnium crassa inscitia.*

Dissolute lives, and ignorance of the clergy.

This remarkable confession of the two main causes of the evils which the Council was summoned to redress, only echoes the words of the statute-book a year or two before. The Parliament of 1540 declared, that 'the vnhonestie and misreule of kirkmen baithe in witt, knawlege, and maneris is the mater and caus that the kirk and kirkmen ar lychtlyit and contempnit.'—(Act. Parl. Scot. vol. ii. p. 370.)

Compare statute 222, p. 118: 'ne ad aliorum mores . . . corrigendos prorumpant ipsi notoriis criminibus irretiti, cum hinc maximum populi scandalum et plurima hæreseos pars oriatur.'

Compare also the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, pp. 146, 147: 'the opin sclander that is gevin to the haill estates throucht the spirituale mens ungodly and dissolut lyves.'

So the 'General Satire,' sometimes ascribed to Dunbar, but with more probability to Sir James Inglis, and in either case to a churchman:—

> 'Sic pryd with Prellatis, so few till preiche and pray,
> Sic hant of harlettis with thame, bayth nicht and day. .
> Within this land was nevir hard nor sene.'

—(Lord Hailes' Ancient Scottish Poems, pp. 42, 249, 250. Poems of William Dunbar, vol. ii. p. 24. Mr. David Laing's edit.)

Of the six bishops who sat in the Provincial Council A.D. 1549, three are known to have had, each of them, two or more illegitimate children,—William Gordon, bishop of Aberdeen; Patrick Hepburn, bishop of Murray; William Chisholm, bishop of Dunblane—(Sir R. Gord. Gen. Hist. Earld. Sutherl. pp. 172, 478; Miscell. Spald. Club, vol. ii. p. 54; Reg. Episc. Aberd. vol. i. pp. lxiv.-lxvi.; Reg. Mag. Sig. lib. xxix. no. 285, lib. xxx. nn. 4, 572, lib. xxxii. no. 303. MS. Reg. House.)

Page 82, no. 168. *Nomina Episcoporum, Vicariorum Generalium sedium vacantium, Abbatum, Priorum, Commendatariorum, Doctorum, Licentiatorum et Bacchalariorum in Theologia.*

The first name on the roll of the abbots, priors, and commendators—'Jacobus prioratus ecclesiæ primatialis Sancti Andreæ commendatarius'—is that of the future chief of the Reformers, the Regent Murray. He was then about eighteen, having been made Commendator of the metropolitan Priory when about seven.

The Regent Murray.

It has been supposed that Friar Richard Marchell, who is distinguished in the roll of theologians as an Englishman, was Dr. Richard Martiall, Prebendary of Winchester, and Dean of Christ Church, Oxford. But it is more probable, I think, that he was Richard Marshall, Licentiate in Divinity, and Prior of the Black Friars at Newcastle.—(Dr. M'Crie's

Friar Richard Marchell.

Life of Andrew Melville, p. 454. edit. 1856; Wood's Athenæ Oxonienses, vol. i. coll. 134, 136, 138. Dr. Bliss' edit.; Archbishop Spottiswoode's History of the Church of Scotland, vol. i. p. 180; Martine's Reliquiæ Divi Andreæ, p. 244; Calendar of State Papers relating to Scotland, vol. ii. pp. 858-860.)

John Mayr. John Mayr, or Major, the aged preceptor of Buchanan and of Knox, being too infirm to appear in person, was represented by proxy. He died three years afterwards.—(Mr. Riddell's Rem. on Scotch Peerage Law, p. 185.)

Page 86, no. 171: *statuit decretum illud Concilii Basiliensis* De Concubinariis, *sessione vicesima, ad unguem observandum.*

Compare statute 261, pp. 153, 154, made in the Provincial Council of Edinburgh A.D. 1558-9; and note, pp. 301, 302. Compare also statutes 18, 23, 54, 63, 82, 101-103, 108, 113, 114, 143, 172-174, 262-264.

Scottish prelates and doctors in the Council of Basle. I have printed in the appendix, p. 248, the commission of King James I. appointing John Cameron, bishop of Glasgow, John Crannoch, bishop of Brechin, the Abbots of Melrose and of Dundrennan, Donald Maknachtane, dean (afterwards bishop) of Dunkeld, Nicholas of Athol, precentor of Dunkeld, and two others (probably Friars) whose Christian names only are preserved, to represent Scotland in the great reforming Council of Basle.

John of Fogo, abbot of Melrose. The Abbot of Melrose, John of Fogo, the King's confessor—'John, called the Greek, the Abbot of an obscure Cistercian convent in Scotland,' as the Dean of St. Paul's styles him —was one of three or four persons appointed by the Council A.D. 1439 to name the conclave by whom a new Pope was to be chosen.—(Dean Milman's Hist. of Lat. Christ. book xiii. chap. xv. vol. vi. p. 132. edit. 1857; Mart. et Dur. Vet. Script. Ampliss. Collect. t. viii. præf. p. xxxix.) If Hector Boece can be trusted, the Abbot of Melrose had distinguished himself A.D. 1433 by his zeal in condemning to the stake at St. Andrews, Paul Crawar, a disciple of the Bohemian heresy, which the Council met to suppress: 'Iacobus rem auditam plurima laude euexit, authoresque vnice hac re commendatos habuit: principem in resistendo Paulo Bohemo ac de fide ejus inquirendo Ioannem Fogum monachum ordinis Cistertiensis sacrarum literarum professorem abbatia Melrossensi donauit.'—(Scot. Hist. lib. xvii. foll. 351, 352. edit. 1575.) A contemporary chronicle speaks of a remarkable argument which he held before the King against the Abbot of Inchcolm, 'quod utilius esset habere pacem cum Anglis vicinis et propinquis quam cum Francigenis de longe existentibus.'—(Chron. Jac. I. pp. 13, 14. Mait. Club: 1837.)

The Abbot of Dundrennan appeared in the Council of Basle on the 14th of August 1433, and presented a letter from the King of Scots, regretting that hitherto he had been unable to send ambassadors to the Council. It is printed in the appendix, p. 247. See, as to the Abbot, T. Dempst. Hist. Eccl. Gent. Scot. lib. iv. no. 399.

The King's first intention (in May 1432) seems to have been to send John Cameron, bishop of Glasgow, and Walter Paniter, abbot of Arbroath. Six months afterwards the Bishop of Glasgow is despatched to Rome, and John of Fogo, abbot of Melrose, Sir Walter Ogilvy, knight, and Alexander Lauder (afterwards bishop of Dunkeld), get passports to the Council. In February 1433-4, twelve Scots unnamed, and in May 1434, Columba Dunbar, bishop of Murray, and Ingelram of Lindsay, afterwards bishop of Aberdeen, have letters of safe conduct to Basle. There is another passport for Alexander Lauder, afterwards bishop of Dunkeld, in June 1435.—(Rot. Scot. vol. ii. pp. 276, 280, 281, 285, 286, 290.)

The commission of the King of Scots in the appendix (p. 248) may be compared with the commission of King Henry VI. of England, 'de potestate commissa Ambassiatoribus Regis ad interessendum Concilio Basileensi,' published by Selden in his notes on Eadmer's Historia Novorum, pp. 213-215. Lond. 1623. reprinted in his Opera, vol. ii. coll. 1684, 1685.

Page 89, no. 174. *Proles concubinarias in suis consortiis clerici non teneant.*

Compare statute 264, p. 155, made in the Provincial Council of Edinburgh A.D. 1558-9.

Page 89, no 175. *Ne clerici vel monachi secularibus negotiis sese immisceant.*

Compare statute 22, p. 16; statute 127, p. 60; and statute 266, pp. 156, 157, made in the Provincial Council of Edinburgh A.D. 1558-9.

Page 89, no. 176. *De vestibus clericorum.*

Dress of the clergy

The 'byrreta rotunda' and the 'togæ longæ et talares' of this statute, as well as the shaven chin and crown of the next statute, are glanced at by the Knight of Lethington in his verses, 'On the Miseries of the Time:'

'Sumtyme the preistis thocht that thay did weill,
Quhone that thay maid thair beirdis and schaif thair croune,
Usit round caps and gownis to thair heill.'

—(Sir Richard Maitland's Poems, p. 32. Maitl. Club: 1830.)

Compare statute 267, p. 157, made in the Provincial Council of Edinburgh A.D. 1558-9. Compare also Dansey's Horæ Decanicæ Rurales, vol. i. p. 183. edit. 1835.

Page 90, no. 177. *Contra nutrientes barbas, et non portantes tonsuram.*

The clergy to be tonsured and shaven.

Compare statute 267, p. 157, made in the Provincial Council of Edinburgh A.D. 1558-9.

It is told of the good Bishop Brown of Dunkeld, that, when he lay on his deathbed, A.D. 1514, 'circa noctis medium surrexit . . . et vocato Domino Jacobo Henrisoun, barbam sibi fieri fecit; qua facta, dixit, de quodam tunc pridie suspenso Makay nomine: "Ecce laudes Deo jam honestius moriar quam ille qui cum barba inhonesta suspendio interiit."'—(Alex. Myln, Vit. Episc. Dunkeld. pp. 51, 52.)

Page 90, no. 178. *De temperantia in victu clericorum.*

Intemperance of the clergy: their neglect of the poor.

'Sumtyme the priestis thocht that thay did weill . . .
Thoch that all vyces rang in thair persoune,
Letcherie, gluttunie, vain gloire, and avarice.'

—(Sir R. Maitland's Poems, p. 32.)

The exhortation of the statute in the text, that the beneficed clergy should be less niggard in their bounty to the poor, is enforced in Archbishop Hamilton's Catechism (published by authority of the Provincial Council of Edinburgh A.D. 1551-2), which censures as guilty of a breach of the seventh commandment, 'benefecit men . . . quha wyll gyf na parte of thair benefice for the sustentatioun of pure peple within thair parysehyng.' (fol. lix.)

So also, the poet Dunbar, writing in the beginning of the sixteenth century:

'Swa some the kirk had in thair cure,
Thay fors bot lytill how it fure,
Nor of the buikis, nor bellis quha rang thame:
Thay pause nocht off the parrochin pure,
Had thay the pelf to part amang thame.'

—(Poems of W. Dunbar, vol. i. p. 160.)

Page 91, no. 179. *Lectio Divinarum literarum in mensa . . . juxta decretum Toletani Concilii tertii.*

Idle talk of the clergy at table

'In consilio Toletano statutum erat, ut in conuiuio sacerdotali semper fiat lectio paginæ sanctæ. Quod institutum a multis huiusce ætatis Prælatis omnino contemnitur, qui omne ætatis tempus cum mulieribus et prophanis transigunt.'—(Exegesis in Canonem Diui Augustini recens ædita, per Fratrem Robertum Richardinum, celebris ecclesiæ Cambuskenalis canonicum, fol. 102. Lutet. 1530.)

The writer of this remarkable little book not many years afterwards joined the Reformed ranks.—(Dr. M'Crie's Life of John Knox, pp. 322, 323. edit. 1855.)

Page 91, no. 180. *De gravitate habituum clericorum.*

Gorgeous apparel of the clergy.

Sir David Lindsay inveighs, in his Complaint of the Papingo, against the unseemly dress of the clergy:

'And in thair habitis thay tak sic delyte,
Thay have renuncit russet and raploch quhyte,
Cleikand to thame skarlot and cramosyne
With menever, martryk, gris, and ryche armyne . . .
To se thair papall pomp it is ane pyne.'

—(Poetical Works, vol. i. pp. 345, 346. edit. G. Chalmers.)

So also the Book of Godly Songs:

'Preistes, leue your pryde,
Your scarlat and your ueluate soft.'

—(Scot. Poems of Sixteenth Century, p. 184.)

Thus, too, the 'General Satire,' ascribed to Dunbar or to Sir James Inglis:

> 'So mony preistis cled up in secular weid,
> With blasing breistis casting thair clathis on breid . . .
> So quhene the Psalmes and Testament to reid,
> Within this land was nevir hard nor sene.'

—(Lord Hailes' Anc. Scot. Poems, pp. 42, 250.)

Scarlet and martryk or marten were forbidden by statute to all but the dignified clergy.—(Act. Parl. Scot. vol. ii. p. 49.)

Page 91, no. 181. *De clericorum servis.*

Prelates not to keep in their households, notorious drunkards, gamblers, whoremongers, brawlers, night-walkers, buffoons, blasphemers, swearers

Compare statute 265, p. 156, made in the Provincial Council of Edinburgh A.D. 1558-9.

One of the ablest champions of the old faith, addressing the Scottish 'Bischoipis and vtheris pastores' A.D. 1562, writes ironically: 'Zour liberalitie to the pure, zour magnific collegeis of godly learnit in zour cumpanie . . . zour wyse, saige, and grave familiar servands, void of al vanitie, bodely lustis, and heresie, ar spokin of to zour prayse, God wate.'—(Certane Tractatis for Reformatioun of Doctryne and Maneris, be Niniane Winzet, p. 5. Mait. Club: 1835.)

When Buchanan wished to show Bothwell's hopeless profligacy, he asked: 'Quæ virtutes ab eo exspectari poterant? ab homine scilicet in aula Moraviensis Episcopi, hoc est, longe corruptissima, educato, in vino et stupris, inter vilissima solutæ illius disciplinæ ministeria.'—(Actio contra Mariam Scotorum Reginam.)

In January 1558-9, the Dean and Chapter of Aberdeen humbly prayed their Bishop 'nocht to be our familiar with thame that ar suspect contrarius to the Kirk, and of the new law, and that his Lordschip evaid the sammyn: [and] that quhen his Lordschip plesis to vesey the feyldis to repois him self, [he] cheis sic cumpany as efferis till his Lordschipis awin estate; and causs his Lordschipis seruandis to reforme thame selfis, becauss nixt him self, it semis him to begyn at his awn houshald.'—(Miscell. Spald. Club, vol. iv. p. 59.)

Buchanan's lines on supping with Archbishop Dunbar.

If the Scottish Prelates had banished all but the orthodox from their tables, the hospitality and accomplishments of the Archbishop of Glasgow would never have been commemorated by the author of the Franciscanus:

> 'Splendida cœna, epulæ lautæ ambitione remota,
> Tetrica Cecropio seria tincta sale:
> Cœtus erat Musis numero par, nec sibi dispar
> Doctrina, ingenio, simplicitate, fide.
> Ipse alios supra facundo prominet ore,
> Qualis Castalii præses Apollo chori.
> Sermo erat ætherei de majestate tonantis,
> Ut tulerit nostræ conditionis onus,' etc.

—(G. Buchanani Epigramm. lib. i. no. 43.)

Page 91, no. 182. *De visitationibus Monasteriorum, et inquisitione contra exemptos.*

Compare statute 242, pp. 129, 130; statute 269, p. 158; statute 273, p. 160; note, p. 303.

Page 93, no. 186. *De visitationibus.*

Compare statute 173, p. 88, and statute 273, p. 160. Compare also Dansey's Hor. Dec. Rur. vol. i. pp. 135-138, 183, 184, 232, 233.

Spiritual censures evaded by bribes or fines.

The complaint (made almost in the words of the Council of Basle) 'ut publici excessus . . . per Decanos . . . dissimulari dicuntur, eo quod pecuniarios quæstus a concubinariis et adulteris accipere non erubescant,' is echoed in Duncan Laideus' Testament A.D. 1552, which leaves to the Dean

> 'Fra adulteraris [to] tak the buttok maill . . .
> His wynnyng is maist throw fornicatioun,
> Spending it syne with siclike occupatioun.'

—(The Black Book of Taymouth, p. 167.)

The Reformed Church charged with selling indulgences.

The abuse passed into the Reformed Church. One ground of separation from the Establishment, in the last century, was that 'the laws of God and the church are very seldom executed upon the crime of adultery, and many other prevailing immoralities, especially if the perpetrators of these crimes are persons of rank and distinction in society: an indulgence, or absolution, is, in many places of the nation, bought with money.'—(Re-exhibition of the Testimony, published by order of the Associate Synod, p. 172. Glasg. 1779.) In the year 1792, 'fines or penalties were levied from fornicators, etc.,' in a parish at the gates of Aberdeen.—(Stat. Acc. Scot. vol. iv. p. 455.)

Page 94, no. 187. *De glebis ecclesiasticis non dandis in feodum vel emphiteosim.*

Compare statute 250, p. 134, made in the Provincial Council of Edinburgh A.D. 1551-2.

Page 95, no. 188. *Præsens Conventio mature avisata, actis Concilii Tridentini, in sessione quinta, inhærens, ad hæreses reprimendas, etc.*

The Scottish Church and the Council of Trent.

No prelate, priest, or doctor of the Scottish Church appeared at Trent, although endeavours were more than once made to send representatives from Scotland.

The Council had not met more than four or five times, when the Scottish clergy agreed to tax themselves in £2500, for the costs of the delegates whom they resolved to despatch to the Council. Among the Taxationes super Scoticana Ecclesia seculi XVI., MS. in the Register House, is 'Taxatio super integra Scoticana Ecclesia tam in prelaturis quam aliis minoribus beneficiis ad valorem annuum summe quadraginta librarum vel supra ad rationem summe duarum millium et quingentarum librarum pro expensis Oratorum mittendorum apud Concilium Generale Tridenti inceptum anno gratie millesimo quingentesimo quadragesimo sexto.'

When the Council was drawing to a close, Mary Queen of Scots wrote to it from St. Andrews, lamenting that the unhappy circumstances of her realm had not only prevented the Scottish Prelates from crossing the Alps, but left herself without the power of sending ambassadors. The letter, dated on the eighteenth of March, was read in the Synod on the tenth of May 1563. It commissioned the Queen's uncle, the Cardinal of Lorraine, to apprise the reverend fathers of the difficulties by which she was embarassed; and the Cardinal, in discharging his commission, gave hope that some of the Scottish Bishops who were in the French King's dominions would speedily make their appearance at Trent. The hope was not fulfilled. The Archbishop of Glasgow and the Bishop of Dunblane were then in France, but neither presented himself to the Council.

In the appendix, pp. 249, 250, I have reprinted, from Prince Labanoff's Lettres de Marie Stuart, her letter to the Council of Trent, together with a contemporary report of what passed at its presentation, from the 'Diarium Actorum Sacri Concilii Tridentini, sub Pio IV. pontifice, auctore Torello Phola de Puggio cathedralis ecclesiæ Fesulanæ canonico,' published (from a MS. in the French King's library) by Martene and Durand, in their Vet. Script. Ampliss. Collect. t. viii. coll. 1340, 1341.

Other three letters from Queen Mary, regarding the Council of Trent, are printed by Prince Labanoff:—(1.) A letter to her uncle, the Cardinal of Lorraine, dated 30th Jan. 1563, assuring him of her desire to re-establish the Roman Catholic faith in her dominions, even at the risk of her life; and requesting to be informed of the decrees of the Council, that she may take measures for their observation by all her subjects not fallen into heresy: (2.) A letter to Pope Pius IV., dated 31st Jan. 1563, regretting her inability to send any of the Scottish bishops to the Council: (3.) A letter to Pope Pius IV., dated 20th Oct. 1564, thanking him for a book of the Acts of the Council.—(Lettres de Marie Stuart, t. i. pp. 175-178, t. vi. pp. 6, 7.)

Page 96, no. 189. *De Magistro Grammatices.*

Neglect of Grammar schools.

'The singular vtilitie thairof to the commoun welth causit me to maruell gretumlie quhou in tymes passit, amang sa gret liberalitie and ryche dotations maid in Scotland of sindry fundationis to religioun and science, that sa litle respect hes euir bene had to the Grammar Sculis . . . that in mony townis thair is not sa mekle prouidit thairto as a common house, and in nane almaist of al, ane sufficient life to ane techear, albeit ma be requirit to undertak that cuir deulie as becumis of ony a scuil: And agane, quhou it mycht be that at this tyme quhen men presis to refourme al cause of ignorance and abuse, that sa few childer war haldin at the studie of ony science, and specialie of Grammar.'—(N. Winzet's Certane Tractatis

for Reformatioun of Doctryne and Maneris, A.D. 1562, pp. 26, 27.)

It was ordained by the Scottish Parliament in 1496, 'that all barronis and frehaldaris, that ar of substance, put thair eldest sonnis and airis to the sculis fra thai be aucht or nyne yeiris of age, and till remane at the Grammer Sculis quhill thai be competentlie foundit and haue perfyte Latyne.'—(Act. Parl. Scot. vol. ii. p. 238.)

Page 97, no. 192. *De prædicatione verbi Dei populo.*

Compare statutes 188, 193, 195-197, 199, 218, 219, 223-225, 227, 240, 258, 274, 276.

Page 99, no. 194. *De Quæstoribus eleemosynariis.*

Compare statute 49, p. 25; note pp. 266, 267.

The Pardoner or Rome-raker.

The Quæstor, Questuarius, or Questionarius, the Pardoner, or Rome-raker as he was called, had now fallen on evil days. Even in his better state—when he played something like the part of the travelling 'deputation' of the popular religious society of our own time—the Synod of Exeter, A.D. 1287, could describe him as 'communiter idiota, vitæ pariter inhonestæ, confingens se peritum et vitæ sanctitatem exterius prætendens . . . ut sic simplicium alliciat animos ad majores eleemosynas largiendas, quas postea in ebrietatibus et luxuriis in omnium conspectu prodigaliter consumere non erubescit.'—(Wilkins' Conc. Mag. Brit. vol. ii. p. 154.)

He was a constant butt of ridicule in literature from the fourteenth century downwards. He figures in the Flyting of Kennedy and Dunbar, in the Satire of the Three Estates, and in 'Symmie and his Bruther' printed in Mr. D. Laing's Select Remains of the Ancient Popular Poetry of Scotland, no. 17. But no portrait of him can be compared with that drawn by the master hand of Chaucer.

Lindsay paints him as disheartened and discredited :

'Bot now, allace! our gret abusioun
Is cleirlye knawin till our confusioun,
Quhilk I may sair repent :
Of all credence now am I quyte,
For ilk man halds me at dispyte
That reids the New Testment.'

—(Poet. Works, vol. ii. pp. 9-27. J. Pinkert. Scot. Poems Reprint. vol. ii. pp. 67-80.)

The Council of Trent silenced him in 1546, and suppressed him altogether in 1562.

Page 99, no. 195. *Quod Rectores et Episcopi quater in anno per se prædicent.*

Neglect of preaching.

Compare statute 240, p. 129, made in the Provincial Council of Edinburgh A.D. 1551-2; statutes 274 and 275, pp. 161, 162, made in the Provincial Council of Edinburgh A.D. 1558-9; notes, pp. 296, 297, 299.

The neglect of preaching by the clergy of all ranks, was a never-failing subject of complaint or invective in Scotland for many years before the Reformation.

'Prælati certe sunt ut canes muti,' says the reforming Monk of Cambuskenneth in 1530, 'non ualentes in claustro latrare : incedunt cum regibus et magnatibus in urbibus et pallatijs : unde non auditur eorum uox in claustro. Quare in die iræ et uindictæ, sanguis fratrum de manu eorum exigetur.'—(Fr. R. Richardini Exeg. in Can. D. Augustini, foll. 188, 189.)

Thus Duncan Laideus bequeaths to the Curate 'negligence' and 'sleuth with ignorance, sendill for to preche,' adding that, for the Bishop 'to preche the Gospell, he thinkis schame.'—(The Black Book of Taymouth, pp. 166, 168.)

Thus, too, the 'General Satire,' ascribed to Dunbar, or to Sir James Inglis :

'Sic pryd with Prellatis, so few till preiche and pray . . .
Within this land was nevir hard nor sene.'

—(Poems of W. Dunbar, vol. ii. p. 24.)

So also Lindsay, in the Satire of the Three Estates :

'Ane Bischopis office is for to be ane preichour,
And of the law of God ane publick teichour.
Richt sa, the Parsone unto his parochoun,
Of the Evangell suld leir thame ane lessoun.
Thare suld na man desyre sic dignities,
Without he be abill for that office.'

And again, in the Monarchy:

'Quha can nocht preche ane Preist suld nocht be namit..
Gif presentlye thair Prelatis can nocht preche,
Than lat ilk Bischope haif ane suffragane,
Or successour, quhilk can the pepill teche,
On thair expensis yeirlye to remane.'

Once more, in the Complaint of the Papingo:

'War nocht the precheing of the Begging Freris,
Tint war the faith amang the seculeris.'

—(Poet. Works, vol. i. p. 345; vol. ii. pp. 62, 101, 232-235; vol. iii. pp. 110, 111.)

So also the Book of Godly Songs:

'Preists, learne to preich
And put away your ignorance . . .
Preists, thole to preich,
Sen ye your self can preich na thing.'

—(Scot. Poems of Sixt. Cent. pp. 182, 183.)

'And thay,' writes the Abbot of Corsraguel in 1558, 'quha sulde preche the trew Worde of God conforme to thair vocatioun and levyng quhilk thay have thairfore, ar (as says the Propheit) *lyke dum doggis quhilkis can nocht bark*, nolder precheis thair selfis nor causis precheyng sufficient to be maid to resyste errouris . . . And als, I beseik the levyng God, that thay quha ar allreddy ministeris in the Kirk of God (specialie quha occupyis the place of the Apostoles be office and authoritie) call to remembrance the seveir and rigorus sentence off the Apostole, saying, *Wa be unto me and I preche not;* and als the wordis of the Propheit, sayand, *Wa be unto zow pastores of Israell, quhilkis feidis zour selfis and nocht my flok.* Quharethrow the pastores doying thair dett and devore to the simpyll peple committit to thair cure, all hereseis, wyckitnes, and vice sulde be suppressit, the Kirk unsclanderit, and God honourit.'—(Ane Compendius Tractiue be Maister Qvintine Kennedy, Commendatar of Crosraguell, chap. xiv., Miscell. Wodrow Soc. vol. i. pp. 152, 153.)

And so Ninian Winzet A.D. 1562: 'Sua ze nobilis . . . hes destroyit the trew religioun . . . putand in the place of godly ministeris . . . dum doggis, quha . . . dar nocht only nocht barke, bot maist schamefullie poyit with staff and sting, dar nother quhryne nor quhynge.'—(Certane Tractatis, p. 8: cf. p. 14.)

Page 100, no. 196. *Quod in unaquaque Ecclesia Cathedrali sit Theologus, et Juris Canonici professor.*

Compare statute 241, p. 129.

Every cathedral church to have a doctor, licentiate, or bachelor in theology, and a professor of Canon Law.

The statute in the text, or some other statute to the same purpose, must have been passed in a Provincial Council held in Lent 1546-7. On the 9th of July 1547, the Bishop of Aberdeen appointed Master John Watsoun, licentiate in divinity, to read divinity twice a week, and to preach the gospel once a month in the cathedral church of Aberdeen, and to preach once a year in each of the common churches of the chapter. The statute is cited in the deed of appointment: 'Insuper Conciliorum Generalium sanctorum patrum a quamplurimis annis ac inpresentiarum Concilij Generalis Tridentini necnon nostri Prouincialis Concilij decreto et determinatione maiorum totius regni sancitum est vt in qualibet ecclesia cathedrali constituatur vnus theologie doctor aut in eadem licentiatus qui possit verbum Dei populo predicare.' The preacher was at once to have a seat and vote in the chapter; and when it became vacant was to succeed to the prebend of Cruden, assigned to a theologian in the cathedral of Aberdeen [see statutes 218, 219, p. 115], 'iuxta nominationem per nos factam in Concilio cleri Scoticani tento apud Edinburght in Quadragesima immediate precedente [*i.e.* A.D. 1546-47] cum aliis prelatis abbatibus et proceribus totius regni Scotie.'—(Miscell. Papers of Reigns of Queen Mary and King James VI. pp. 3-8; Reg. Episc. Aberd. vol. ii. pp. 317-320.)

Page 101, no. 197. *Quod in unoquoque Monasterio unus sit Theologus.*

Compare statute 241, p. 129.

Page 102, no. 198. *De quibus Monasteriis quot ad literarum studia emittendi sunt.*

Compare statute 241, p. 129, and statute 278, p. 165.

Page 104, no. 199. *De methodo et forma Prædicationum.*

Compare statute 276, p. 163.

Page 105, no. 201. *Ordo observandus in lectionibus Grammatices et Dialectices.*

The Grammar school, elsewhere under the jurisdiction of the Chancellor of the diocese, was, at St. Andrews, under the jurisdiction of the Archdeacon, in right of his ancient office of 'Ferleiginn.'

The last clause of this statute—'item provideat Archidiaconus Sancti Andreæ pro Magistro Scholæ Grammaticalis in civitate Sancti Andreæ, quod sit in Grammaticis versatus,' etc. —preserves a trace of the ancient usage of St. Andrews, where there was no Chancellor, and the Archdeacon, in right of his office of Ferleiginn, a remnant of the old Celtic church, had charge of the schools.—(Miscell. of the Spalding Club, vol. v. app. to pref. pp. 75-77.)

'Scolocs' of St. Andrews.

The schools of St. Andrews appear to have been of note as early as A.D. 1120, when their disciples, or 'Scolocs' as they were called, are mentioned as welcoming the friend and biographer of St. Anselm to the chair of the Bishop of the Scots: 'Post hæc ad ecclesiam Sancti Andreæ venit, et occurrente ei Regina, susceptus a Scolasticis et plebe, pontificis loco successit.'—(Eadmeri Hist. Nov. p. 132.)

Page 106, no. 202. *De qualitate ordinandorum.*
Compare statute 272, pp. 159, 160.

Page 106, no. 203. *Quod singuli curati examinentur per Ordinarios.*
Compare statute 242, p. 129.

Page 107, no. 206. *Quibus conferri debent beneficia.*

Scandalous lives, ignorance, sloth, and incapacity of the beneficed clergy.

Compare the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, p. 147; note, pp. 304, 305; and statute 279, p. 166, made in the same Council: 'Synodus attendens . . . quamplurima oriri scandala in ecclesia Dei, dum inidonei ætate, moribus, et doctrina . . . ad ecclesiastica beneficia promoventur.'

The careless or corrupt distribution of benefices was perhaps the main root of all the many evils of the Scottish Church. 'And sua,' says the Bishop of Ross A.D. 1571, 'abbottis and pryouris being promovit furth of the court, quha levit courtlyk, secularlye, and voluptuouslye . . . than [A.D. 1474] ceissit all religious and godlye myndis and deidis, quhairwith the secularis and temporall men beand sklanderit with thair evill example, fell fra all devocioun and godlynes to the warkis of wikednes, quhairof daylie mekill evill did increase.'—(Bishop Lesley's Hist. Scot. p. 40: cf. J. Leslæi De Reb. Gest. Scot. p. 317. edit. 1578.)

Compare N. Winzet A.D. 1562: 'The speciall rutis of all mischeif . . . be the twa infernal monstris Pryde and Avarice, of the quhilkis vnhappelie hes vpsprung the electioun of vnqualifeit bischopis and vtheris pastores in Scotland, and that laitlie, within thir hundreth zeris, to the gret destructioun of the trew religioun off Christianis, and in prouocatioun of Godis wraith contrare vs.'—(Certane Tractatis, p. 7.)

Thus, too, the unknown author of the Three Tales of the Three Priests of Peebles:

> 'For, now on dayes, is nouther riche nor pure
> Sal get ane kirk, al throw his literature.
> For science, for vertew, or for blude,
> Gets nane the kirk, bot baith for gold and gude . .
> Sic wickednes this world is within,
> That symonie is countit now na sin . . .
> And thus is the caus, the suith to say,
> Quhy halines fra Kirkmen is away.'

—(Mr. D. Laing's Early Metrical Tales, p. 114.)

So, likewise, the unknown author of 'Sir Penny:'

> 'Sir Penny is baith scherp and wyis . . .
> Disponar he is of benefyis . . .
> And als Sir Symony his serwand,
> That now is gydar of the Kirk.'

—(Lord Hailes' Anc. Scot. Poems, pp. 154, 291.)

Thus also Sir David Lindsay, in the Complaint of the Papingo:

> 'Princis, princis, quhare bene your heich prudens,
> In dispositioun of your beneficeis?
> The guerdoning of your courticiens
> Is sum caus of thir greit enormiteis . . .
> Allace! that ever ane bragger, or ane barde,
> Ane hure maister, or commoun hasardure,
> Suld in the Kirk get ony kynd of cure.'

Again, in the Satire of the Three Estates:

> 'The sillie saulis that bene Christis scheip
> Suld nocht be givin to gormand wolfis to keip.
> Quhat bene the caus of all the heresies,
> Bot the abusioun of the Prelacies?'

—(Poet. Works, vol. i. pp. 343, 344; vol. ii. pp. 71, 117: cf. pp. 235-241.)

'Quam multos videmus,' writes a priest of the church, 'qui post exactos scurriliter

annos, post consumptum in rebus turpissimis ætatis florem, ad primates ecclesiæ confugiunt, vt, in ignauiæ suæ patrocinium atque ad senectutem luxuriose transigendum, pingue sacerdotium obtineant? . . . Nec solum ignaris dantur sacerdotia, sed et pueris nondum rationis capacibus, vt ad hæreditatem nati videantur . . . Debent beneficia virtutis esse præmia et non consanguinitatis. Quo peccarunt grauius viri in ecclesia primarie dignitatis, qui in gratia eorum quos naturæ vinculo charos habebant sacerdotia tribuentes, nullum doctis locum fecerunt. Plurimos aliquando beneficiorum multitudine onerabant quorum cultus specie et prætio notabilis, is sermo, ea erat vita, vt dubium fuerit Christiani ne fuerint an Ethnici . . . Cum isti ecclesiæ gubernaculis cæco quorundam Episcoporum affectu admoti, in venatu, in aucupiis, alea, operosis conuiuiis aliisque rebus quæ honeste nominari non possunt, vitæ meliorem partem traducant.'—(Ad Cardinalem D. Dauidem Betoun, Primatem Scotiæ, Archiepiscopum S. Andreæ, de fœlici accessione dignitatis Cardinalitiæ, Gratulatorius Panegyricus Archibaldi Hayi, foll. xxxii. xxxiii. xxxv. xxxviii. Paris. 1540.) The writer seems to have been parson of Conveth or Laurencekirk in A.D. 1537. A year or two after the publication of his panegyric he was made Principal of St. Mary's College at St. Andrews. He died in the summer of 1547. —(Act. Dom. Conc. et Sess. vol. ix. foll. 117. MS. Reg. House; Dr. M'Crie's Life of Melville, p. 453; Reg. Sec. Sig. vol. xxi. fol. 42. MS. Reg. House.)

Boy parsons.

So also Buchanan, writing, about A.D. 1534, of a monastic order vowed to poverty:

> 'Principio huc omnes tanquam ad vivaria currunt,
> Queis res nulla domi est, quibus est irata noverca,
> Quos durus pater, aut plagosi dextra magistri
> Territat, aut legum timor, aut quos dedita somno
> Exercet nullis Lethæa ignavia curis . . .
> Adjice præterea quos præceps alea nudat,
> Quos Venus enervat, quos et potatio pernox
> Ejecit patriis laribus, quos urget egestas,
> Et quibus haudquaquam res sunt in amore secundæ,
> Fastosæque inopes exclusit limen amicæ,
> Quos scelus infamat, vitæ quos turpiter actæ
> Insequitur metus et quos urget tutor avarus,
> Huc velut ad tutum cunctis est cursus asylum.'

—(G. Buchanani Franciscanus, pp. 2-4. edit. T. Ruddiman.)

So also the Abbot of Corsraguell A.D. 1558: 'Se we nocht daylie be experience, gyf ane benefice vaick, the gret men of the realme will have it for temporale rewarde . . . or ellis thai wyll steir up seditioun . . . And quhen thai have gotten the benefice, gyf thay have ane brother, or ane sone, ze suppose he can nolder sing nor say, norischeit in vyce al his dayis, fra hand he sall be montit on ane mule, with ane syde gown and ane round bonett, and than it is questioun quhether he or his mule knawis best to do his office. Perchance Balaames asse knew mair nor thai baith . . . And nocht allanerlie sick men ar croppin in the Kirk be meanis of sum wickit gret personages: bot thou may se daylie . . . ane bairne and ane babe, to quhame scarcelie wald thou geve ane fair apill to keip, get perchance fyve thousand saules to gyde: And all for avarice . . . that thair parentis may gett the proffect of the benefice . . . and the pure simpyll bairne scarslie gett to bryng hym up vertuuslie: the convent, and place quhare God sulde be daylie honourit and servit, gais clene to rewyne. And zit thay quha ar the procuraris . . . of sick monsterus farssis to be in the Kirk of God, ar the maist principall cryaris out on the vices of Kirkmen. Geve the Kirk had the auld ancient libertie . . . that ane Bischop were frelie chosin be his chapitre, the Abbot and Prior be the convent and of the convent, than sulde be qualifeit men in all the estatis of the Kirk, than sulde all hereseis be flemit, and the peple weill techeit . . . In the mene tyme . . . the Kirk is sclanderit, God is dishonorit, all hereseyis, wickitnes, and vice regnis.'—(Ane Compendius Tractiue, chap. xiv., Miscell. Wodr. Soc. vol. i. pp. 151, 152.)

So, too, one who lived to become Abbot of the Scottish Monastery at Ratisbon, addressing the Scottish 'Bischoipis and vtheris pastores' A.D. 1562: 'Zour godly leving garnisit with chastitie, fasting, prayer, and sobrietie . . . zour merchandrice, zour symonie . . . zour godly and

circumspect distribution of benefices to your babeis, ignorantis, and filthy anis, al Ethnik, Turk, and Jow may lauch at, that being the special ground of al impietie and division this day within the O Scotland.' And, again, addressing the Reformers: 'Sen the Princes in our dayis takis on thaim the haill power of . . . presenting quhat persoun thay pleis, wald God that thair presentatioun war void of all symonie, ambition, and inordinat affection: and with it wer adiunit alsua the testimonie and consent of the peple in euery diocesie and parochin . . . Sa . . . thar suld nocht be sa mony blynd, crukit, and seik, smottit, mankit, deformit, scabbit . . . and sclanderous . . . contrare the law of God . . . maid priestis and prelatis in the Kirk. Giue ony of zow wyl obiect that the preistis bischopis and the clergie in oure dais hes bene blekkit with the saidis deformiteis and sa ignorant or vitious, or baith, and alsua sclanderous, that thay ar vnworthie the name of pastores: Allace, we are rycht sorie that this is treu for the maist part and mair . . . The grete decay of the syncere religioun is the electioun and admissioun of the vnqualifeit and vnable ministeris, as we confes with zou, that this lang tyme the maist part to hef bene admittit mair throw auarice, ambitioun, or wthir carnal affectioun . . . nor for godlie leirning, or wtheris guid propirteis requirit in a minister; and thairthrow specialie all misordour or abuse that iustlie can be allegeit maist cheiflie to hef sprung.'—(N. Winzet's Tractatis, pp. 5, 46, 47, 89: cf. pp. 116, 117, 129.)

I quote yet one other passage, from a book printed at the Vatican, published 'cum permissu superiorum,' written by a distinguished ecclesiastic, who died when on the point of being raised to the purple: 'Proceres immoderatam primum auorum suorum erga Deum liberalitatem incusare, mox ad peiora progressi, opimiores ecclesiarum reditus quouis specioso titulo inuadere: Abbates et Episcopos liberos vix natos, et adhuc a matre rubentes, designare: et si quis ob animi corporisue imbecillitatem secularibus curis minus aptus haberetur, is diuino cultui nolens volens sacrabatur. Illi vero quibus vitia natalium certam paternæ hæreditatis adeundæ spem præsciderant, in sortem filiorum Dei non adoptati, sed intrusi, de altari quibus vitam luxumque alerent rapiebant. Hæc nobiles. Vulgus autem natura pigrum et iners, nec cœlestibus rebus idoneum, vt grauem alijs serendi et metendi necessitatem fugeret, nusquam securius quam in monasteriorum claustris asylum conspiciens, eo tanquam in montem sacrum secedebat. Quamprimum vero ex illa hominum fæce quispiam literarum leuem aliquam notitiam sibi parasset, huius aut illius e proceribus adiutus patrocinio, dignitates in ecclesia ambire, animarum regimen sibi deposcere, et vicarias trossulis nostris delicatisque præsulibus operas præstare solitus, nil minus quam quid sacrosancti muneris esset cogitabat; sed ventrem replere, syrmata dilatare, et sublimiora occupare subsellia. Quid enim aliud facerent, quos nec Deo famulanti studium, nec virtutis amor, nec vlla honesti iustiue ratio ad cœlestia ministeria obeunda vocarunt? His omnibus accedebat libido impotens, sacratioris vitæ morumque lues teterrima. In multorum sacerdotum ædibus scortum publicum: pernoctabant in tabernis viri Deo dicati: nec a sacrilego quorundam luxu tutus erat matronarum honos aut virginalis pudor.'—(G. Conæi De Dvplici Statv Religionis apvd Scotos, pp. 89-91. Romæ, 1628.)

Boy Bishops and Abbots.

Page 110, no. 211. *Circa clericos Parochiales.*

Parish Clerks.

See as to the office of parish-clerk in Scotland, Mr. Riddell's Peer. and Consist. Law of Scot. vol. ii. pp. 682, 683; Mr. Innes' Lib. Official. S. Andree, pp. xxviii. xlvi.-xlviii. 117, 118, 120, 121, 131, 132, 137, 138; Reg. Episc. Glasg. vol. ii. pp. 435, 436; Reg. Episc. Aberd. vol. i. p. 381; Collect. Aberd. and Banff, pp. 309, 310, 628; Antiq. Aberd. and Banff, vol. ii. pp. 260-263; vol. iii. pp. 401, 402, 454-457, 468-470; vol. iv. pp. 347, 348; Act. Dom. Audit. p. 129; Act. Dom. Conc.

pp. 176, 289; Inquisit. Special., Ayr no. 510, Renfrew no. 159.

Compare statute 242, pp. 129, 130.

Page 110, no. 212: *Hæc Conventio statuit ut registrentur autentice omnia Testamenta et defunctorum bonorum Inventaria, etc.*

Compare statute 243, p. 130.

Registers of Testaments and Inventories.

The statute in the text may have improved or extended, but did not originate, Registers of Testaments and Inventories in Scotland. There seems to have been such a Register for the Archdeaconry of Lothian at least as early as the year 1514. There are in the Register House (i.) a Register of Testaments and Inventories confirmed by the Dean or by the Bishop of Dunblane, beginning on 29th August 1539; (ii.) a Register of Testaments and Inventories confirmed by the Vicars-General or by the Archbishop of Glasgow, beginning on 4th November 1547; and (iii.) a Register of Testaments and Inventories for the Rural Deanery of Fife, in the diocese of St. Andrews, beginning on 1st August 1549.

It appears that the Rural Dean of Fife in that day was the same Andrew Oliphant who was Secretary and Notary to the Provincial Councils of 1549 and of 1558-9. The Register of Dunblane shows that, before confirmation was given, the oath of the executors was required—'prestito juramento solito.'

Page 111, no. 213. *Circa testamenta diœcesanorum Orchadensium, ad modum et morem solitum et debitum reliquarum provinciæ Scoticæ diœcesium inducenda et observanda.*

Compare the Declaration made in the Provincial Council at Perth A.D. 1420, pp. 77, 78; and statute 243, p. 130.

Diocese of the Orkneys.

In the year 1468 the Orkneys were mortgaged to Scotland for payment of the dowry of the Danish bride of King James III. Four years afterwards, on the erection of St. Andrews into an archiepiscopal and metropolitan see, they became a diocese of the Scottish Church. But it was not until the beginning of the seventeenth century that they were brought wholly under the Scottish laws. A charter of King James VI. in 1578 sets forth 'that be the lovabile rait vss and consuetude observit in all tymes bypast within his Hienes cuntrie of Orkna and Zeitland, it was lesum to all the inhabitantis of the said cuntrie in thair lattir willis to mak fre dispositioune of thair landis and heretage to sik personis as thai plesit quhilk wes sufficient heretabill rycht to the resavaris and thair posteriteis quhairby thai and thaire airis mycht in all tymes thareftir bruik the samin.'—(Reg. of Signatures in Office of Comptroller, vol. ii. pp. 73-75: cf. Reg. Mag. Sig. lib. xxxv. no. 30. MSS. Reg. House.)

Diocese of the Isles.

The provisions of the statute in the text were, by statute 243, p. 130, extended to the diocese of the Sudreys or the Isles. These were ceded by Norway to Scotland in the year 1266. But the metropolitan rights of the Archbishop of Drontheim were reserved, and appear to have been acknowledged or asserted so lately as the year 1374. —(Act. Parl. Scot. vol. i. p. 101; Chron. Regum Manniæ et Insularum, pp. 148-151, 184-186. edit. Munch.) It would seem that the islands were not regarded as a diocese of the Scottish Church even in 1420 (statute 166, p. 77). Their first Scottish bishop appears to have been Angus, who was consecrated A.D. 1427, and sat in the Scottish Parliament in March 1429-30.—(Act. Parl. Scot. vol. ii. p. 28.)

Page 112, no. 214. *De examinatione Notariorum.*

Cf. Act. Parl. Scot. vol. ii. pp. 95, 242, 359.

Page 113, no. 215. *De pluralitate beneficiorum.*

Pluralities.

'Than com anone ane callit Schir Johne Kirkepakar,
Off many cures ane michtie undertaker,
Quod he, I am possest in kirkis sevin,
And yitt I think thai grow sall till ellevin.'

—(Poems of W. Dunbar, vol. i. pp. 34, 35.)

'Ane cavell, quhilk was never at the scule,
Will rin to Rome, and keip ane bischopis mule,
And syne cum hame, with mony colorit crack,
With ane burdin of benefices on his back;

Quhilk bene aganis the law, ane man alane
For till posses ma benefices nor ane . . .
Sa I conclude, my Lordis, and sayis for me,
Ye suld annull all this pluralitie.'

—(Poet. Works of Sir D. Lindsay, vol. ii. pp. 60, 61: cf. p. 118.)

Page 113, no. 216. *De fundationibus Hospitalium et Monasteriorum.*

Compare statute 246, p. 132, made in the Provincial Council of Edinburgh A.D. 1551-2. Compare also Act. Parl. Scot. vol. ii. pp. 49, 97, 374.

Page 115, no. 219. *Nomina beneficiorum prædicatoribus assignatorum.*

Compare the last paragraph of this statute, p. 116, with statute 227, p. 121.

Page 117, no. 221. *Ordinationes ad reprimendas hæreses, utiles et necessariæ.*

Secular statutes against heretics.

Cf. Act. Parl. Scot. vol. ii. pp. 7, 443.

On the 2d of June 1543, the following Act hitherto unprinted was made by the Regent Arran in Council: 'Item becaus it is vnderstand to my Lord Gouernour and heuelie murmorit to his Grace that diuers and sindrie personis our Souerane Ladyis lieges are Sacramentaris haldand disputatioune of the effect and assence tharof quhilk tendis planelie to the eneruatioun of the faith Catholik Therefore ordanis that na man disput or hald openionis of the Sacramentis nor of the affect or assence thairof vther wayis nor is ellis ressauit be the Haly Kirk vnder the pane of tinsale of lif landis and gudis And ordanis that dalie inquisitioune be maid of all sic personis Sacramentaris and quhare thai ma be apprehendit to be brocht to Our Souerane Ladyis justice schcriffis of the schire provest and balleis of burrowis and to be suirlie kepit be thaim vnto the tyme thai haif my Lord Gouernouris mynd and Lordis of Consale quhat salbe done with sic personis Providing alwayis that this Act be nocht preiudiciale to the Prelatis and Kirkmen anentis thair jurisdictioune to tak inquisitioun of all heretikis as thai haif done in tymes bigane, conforme to the commoun law.'—(Reg. of Acts and Decreets, vol. i. fol. 368. MS. Reg. House.)

Page 118, no. 222. *De morum et vitæ emendatione.*

Licentiousness of the clergy.

Cf. Act. Parl. Scot. vol. ii. p. 370.

'Nihil agam de illorum luxuria, qui professi castitatem nouas excogitant libidinum formas, quas ignorari malo quam a me dici, qui non accusantis sed morbum indicantis personam suscepi.'—(Ad Card. D. Betoun Gratulat. Panegyric. Archibaldi Hayi, fol. xliii.)

Page 118, no. 223. *De prædicatione verbi Dei.*

Compare statutes 188, 192, 193, 195-197, 199, 218, 219, 224, 225, 227, 240, 258, 274-276.

Page 119, no. 225. *Articuli super quibus hæreticæ pravitatis inquisitores suas inquisitiones formare potissimum deberent, etc.*

Secular statutes forbidding books and ballads against the clergy, to be written or printed under pain of death, etc.

The secular statutes referred to in the last sentence of this canon, are the statutes of King James v. of 1525 and 1535 (Act. Parl. Scot. vol. ii. pp. 295, 341, 342), and the following hitherto unprinted 'Act aganis Defamatouris,' made by the Governor in Council on the 2d of June 1543: 'Anent the artikle proponit for remeid of sclanderous billis writtingis ballatis and bukis that ar dalie maid writtine and prentit to the diffamatioune of all estatis baith sperituale and temporale and gevis occasioune ilk ane to leichlie and contem vtheris And for remeid heirof It is statute and ordanit that na maner of man tak vpoune hand to mak write or imprent ony sic billis writtingis ballatis diffamatouris or sclanderous bukis vnder the pane of deid and confescatioune of all thair gudis movabile And als ordanis all prentouris and vtheris that hes sic bukis that thai distroy and burne the samin within xlviij houris nixt eftir thai be chargit be oppin proclamatioune at the market croce of Edinburgh and at the market croces of vtheris burrowis And in speciale the new dialoge callit Pascullus and the ballat callit The Bair that ar ellis prentit and sett furtht and all vtheris siclik vnder the pane forsaid And siclik that nane haif [or] hald prevaitlie or apart ony bukis or werkis of con-

dampnit heretikis and of thair appunzeonis of hereseyis conforme to the Actis of Parliament maid thairupoune of befor And vnder the panis contenit in the samin.'—(Reg. of Acts and Decreets, vol. i. fol. 368. MS. Reg. House.)

In 1551, Parliament prohibited the printing of unlicensed 'bukis concerning the faith, ballatis, sangis, blasphematiounis, rymes alsweill of Kirkmen as temporall and vtheris, tragedeis alsweill in Latine as in Inglis toung,' under penalty of confiscation and banishment.—(Act. Parl. Scot. vol. ii. pp. 488, 489.)

On the 23d of September 1556, Master Alexander Forrest, Provost of the Kirk of the Field beside Edinburgh, appeared before the provost, bailies, and council of Edinburgh, and in name of the Archbishop of St. Andrews required them to give obedience to the following writ of the Queen Regent: 'Prouest baillies and consale of Edinburgh We greit you weill Forsamekile as we are informit that thair is certane odious balletis and rymes laitlie sett furth be sum ewill inclinit personis of youre toun quha hes alssua tane doun diueris imagis and contempnandlie brokin the samyn quhilk is ane thing werray sclanderous to the peple and contrarious to the Ordinances and Statutis of Haly Kirk And it is gewin ws to vnderstand that the maikaris of the said misordor ar all indwellaris and inhabitaris of your said toun Quhairfoir we chairge you that incontinent eftir the seicht hereof ye deligentlie inquire serche and seik for thair names and delyver them in writ to our cusing the Archbischop of Sanctandris to be vsit conforme to the Statutis of the Kirk assuring you gif ye do nocht your extreme devoir thairin to bring the samyn to lycht that ye salbe na vtherwayis estemit be ws nor as fauoraris and manteinaris of sic personis and sall vnderly the samin ponisment that thai aucht to sustene in cais we get knawlege heirof by you Subscriuit with our hand and vnder our signet At Aberdene the xxj day of September 1556.'—(Lib. Statut. Burgi de Edinb. vol. ii. fol. 83. MS. in the City Archives.)

Destruction of images.

The Bishop of Ross speaks of the circulation of 'Inglis buikis, ballettis and treateis' among the people by the Reformed preachers A.D. 1558.—(Bp. Lesley's Hist. of Scot. p. 269.)

Page 121, no. 226. *Circa Orationem Dominicam* Pater Noster, *etc.*

The 'Pater Noster.'

Foxe says that it was gravely debated in this Council 'whether the Pater Noster should be addressed to the saints or to God alone.' Spottiswoode repeats the tale. But it has no place in the pages of Knox, and I agree with Mr. Grub in holding that it should be rejected.—(Eccl. Hist. Scot. vol. ii. p. 37.)

It is possible that some such question may have been mooted in some convent of the Mendicant Orders; and indeed Lindsay, in his Satire of the Three Estates, seems to allude to something of this sort:

> 'Freiris sall nocht knaw weill in thair closters
> To quhom thay sall say thair Pater Nosters.'

—(Poet. Works, vol. ii. p. 154.)

Page 121, no. 227. *De* Pater Noster *et* Ave Maria *in concionibus.*

Compare the last paragraph of statute 219, p. 116.

The 'Ave Maria' before sermon.

The use of the *Ave Maria* in the pulpit had been attacked by Erasmus: 'Non est probabile eam consuetudinem a gravibus viris inductam, sed ab inepto quopiam, qui quod didicerat apud Poetas propositioni succedere invocationem, pro Musa supposuit Mariam.'—(Responsio ad Albertum Pium, A.D. 1525; Opera, t. ix. col. 1165. edit. Lugd. Bat. 1706.)

In 1540, the Scottish legislature passed a statute 'for worschip to be had to the Virgin Mary.'—(Act. Parl. Scot. vol. ii. p. 370.)

Page 124, no. 236. *Circa reformationem processuum Curiarum Consistorialium.*

Reform of the Consistorial Courts.

Compare the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, pp. 149, 150; and statute 284, p. 171, made in the same Council.

The delay and prolixity of the ecclesiastical courts (which were open to temporal causes) were struck at by the legislature A.D. 1427. —(Act. Parl. Scot. vol. ii. p. 14.)

They have a prominent place in the Satire of the Three Estates, where 'Poverty' or 'Pauper' is brought in, saying:

> 'I lent my gossop my mear to fetche hame collis,
> And he hir drounit into the querrell hollis:
> And I ran to the Consistorie for to pleinze,
> And thare I happinit amang ane greidie meinze.
> Thay gave me first ane thing thay call *citandum*,
> Within aucht dayis I gat bot *lybellandum*,
> Within ane moneth, I gat *ad opponendum*,
> In half ane yeir, I gat *interloquendum*,
> And syne I gat, how call ye it? *ad replicandum*:
> Bot I could never ane word yit understand him.
> And than thay gart me cast out mony plackis,
> And gart me pay for four-and-twentie actis:
> Bot, or thay came half gate to *concludendum*,
> The feind ane plack was left for to defend him.
> Thus thay postponit me twa yeir with thair traine,
> Syne *hodie ad octo* bad me cum againe:
> And than thir rukis thay rowpit wonder fast,
> For sentence silver thay cryit at the last.
> Off *pronunciandum* thay maid me wonder faine;
> Bot I gat never my gude gray mear againe.'

Here 'Temporality' breaks in:

> 'We mon reforme thir Consistory lawis,
> Quhais great defame above the hevinis blawis:
> I wist ane man, in persewing ane kow,
> Or he had done, he spendit half ane bow.'

—(Lindsay's Poet. Works, vol. ii. pp. 72-74; cf. p. 116; vol. iii. pp. 148, 149. Pinkerton's Scot. Poems Repr. vol. ii. pp. 170, 195.)

Page 129, no. 240. *De Prædicationibus verbi Dei per Rectores et Episcopos quater singulis annis fiendis.*

Preaching by Rectors and Bishops to be enforced.

Compare statute 195, pp. 99, 100; and statutes 274 and 275, pp. 161, 162.

In January 1558-9, the Dean and Chapter of Aberdeen, amoug other points of counsel given to their Bishop, for staunching of heresies, urged that 'for preching to be maid within the hail diocie, thair be send letteris monitouris vpou the haill personis, abotis and prioris, to caus preching to be maid within thair kirkis betuix this and Fasternis Evin nixt, at leist anis in ilk paroche kirk, and ane vther tyme betuix that and Pasche, with continewatioun, conforme to the Actis Provinciall, vnder panis contenit thairintill: and failzeing thairof, that my Lord causs send ane precheour to euer ilk kirk that is nocht prechit in Lentren thairefter, and to tak vp the panis thairof to be applyit to certane precheouris to be send throw the diocie, and letteris to be direct thairvpon, vpon the fermoraris thairof, conforme to the Statut Provinciall, sua that the peple be nocht in danger becauss of inlaik of precheing of the trew Catholik fayth.'—(Miscell. Spald. Club, vol. iv. pp. 57, 58.)

Page 129, no. 241. *De Theologis et Canonistis apud singulas ecclesias Cathedrales et de Theologis in Monasteriis instituendis, necnon de Religiosis ad Universitates mittendis.*

Compare statutes 196-198, pp. 100-102, made in the Provincial Council of Edinburgh A.D. 1549; note, p. 289; and statute 278, p. 165, made in the Provincial Council of Edinburgh A.D. 1558-9.

Page 129, no. 242. *De examinatione Curatorum et Vicariorum.*

Ignorance of the clergy.

Compare statutes 182, 203, 204, 211, pp. 91, 92, 106, 107, 110, made in the Provincial Council of Edinburgh A.D. 1549.

'Pudet (ita me Deus amet) vulgarium atque adeo aliorum quorundam presbyterorum vitam recensere, ignorantiæ tenebris vndique offuscatam, vt non raro demirer quidnam Episcopis venerit in mentem cum tales admitterent ad sacrosanctum Domini corpus tractandum, qui vix norunt literarum seriem . . . Nam sacerdotum ignorantia est fons ille turbulentissimus vnde scatet maxima pars calamitatum ecclesiæ. . . Qui cum ecclesiæ præfuerint multis anuis, censum amplissimum perceperint, nullam se literam Noui Testamenti attigisse glorientur, dira comminantes aliis omnibus qui sensum Domini in Scripturis Sanctis diligentissime scrutantur.'—(Ad Card. D. Betoun Grat. Paneg. Arch. Hayi, foll. xxxiiii. xxxviii: cf. fol. xxxi.)

Priests boast that they have never read a line of the New Testament

In the Satire of the Three Estates, 'Spirituality' is brought in to boast

> 'Na, schir, be him that Our Lord Jesus sauld,
> I red never the New Testament, nor Auld,
> Nor ever thinkis to do, schir, be the rude:
> I heir Freiris say that reiding dois na gude.'

—(Lindsay's Poet. Works, vol. ii. pp. 63, 64.)

So also Buchanan, writing of the year 1542: 'Tantaque erat cœcitas, ut sacerdotum plerique, novitatis nomine offensi, contenderent Novum Testamentum nuper a Martino Luthero fuisse scriptum, ac Vetus Testamentum reposcerent.'—(G. Buchan. Rer. Scotic. Hist. lib. xv. cap. 29; Opera, t. i. p. 291. edit. T. Ruddiman.)

So, too, the 'General Satire' attributed to Dunbar or to Sir James Inglis:

> 'So mony preistis cled up in secular weid . . .
> So quhene the Psalmes and Testament to reid,
> Within this land was nevir hard nor sene.'

—(Lord Hailes' Anc. Scot. Poems, p. 42.)

So the Knight of Lethington in his verses on 'The New Yeir,' supposed to have been written in 1557:

> 'God send pastouris of veritie . . .
> And tak away the ignorantis
> Of Kirkmen that vyceis hauntis
> And leidis us arreir.'

—(Sir R. Maitland's Poems, p. 2.)

So also the Abbot of Ratisbon, addressing the Scottish Bishops A.D. 1562: 'Quhat part of the trew religion be zour sleuthful dominion and princelie estait is not corruptit or obscurit? . . . Wes not the sacramentis of Christ Jesus prophanit be ignorantis and wikit persones, nother able to persuade to godlines be lerning nor be leuing?'—(N. Winzet's Tractatis, p. 5.)

Page 130, no. 243. *De computo et ratiocinio Testamentorum.*

Confirmation of Testaments.

Compare statutes 212 and 213, pp. 110-112.

It appears from the Register of Testaments and Inventories confirmed by the Vicars-General and Archbishop of Glasgow, that the clause of this statute forbidding confirmations 'ad intus et extra' was not always observed.

The distinction of Testaments into greater and less—'tam majorum quam minorum'—referred to in the second clause of the statute, appears as well in the Register for Glasgow as in the Register for the Rural Deanery of Fife. Both are in the Register House.

Page 130, no. 244. *De causis Matrimonialibus ad Divortium tendentibus.*

Frequency of divorce in Scotland.

The facility of divorce which this statute was designed to restrain, had been censured by John Mayr in a work published A.D. 1521: 'Scoti hac nostra tempestate nimis leviter divortium procreant; et plerique laici ad salutem animæ sufficere existimant, dum modo in foro exteriori falsorum testium suggestione divortium celebretur.'—(De Gest. Scot. lib. v. cap. xxiii. p. 256.)

The scandal did not escape the eyes of other nations. 'Ilz ont coustume estrange'—so the French ambassador in Scotland wrote to King Charles IX. A.D. 1567—'ilz ont coustume estrange en Angleterre, mais plus prattiquée en Escosse, de pouvoir se répudier l'un l'aultre quant ilz ne se trouvent bien ensamble.'—(M. Teulet, Papiers d'Etat relatifs à l'Histoire de l'Ecosse, t. ii. p. 157.)

The Archbishop of St. Andrews represented to the Papal court in 1554, 'vt multi . . . nulla dispensatione obtenta matrimonium contrahant cum suis consanguineis, et forte pollicentur dispensationes leuare; postea mutatis propositis vel querunt diuorcia vel reiiciunt vxores, pretexentes defectum dispensationum, et quod non suppetunt sibi facultates pro tam arduis dispensationibus a Sede Apostolica leuandis.'—(Lib. Official. S. Andree, pp. 164, 165: cf. Mr. C. Innes in the Quart. Rev. vol. lxxxix. pp. 49-56.)

Page 131, no. 245. *Quod parochiani singulis diebus Dominicis et festivis intersint Missæ.*

Compare statute 290, p. 173.

Irreverence in church.

The irreverence during Divine service, and the profanation of churches by merchandise, forbidden by the statute in the text, are among the evils denounced by the Monk of Cambuskenneth A.D. 1540: 'Debent prælati diuinis rebus inter-

esse, et ista modestia et auctoritate regere. Sunt . . . nonnulli . . . qui cum diuinis intersunt, onus se ferre grauius Ethna estimant. Quare cum illi stare coguntur, laxis habenis, cum Christus orandus sit, aut alia nescio quæ legunt, aut digitorum ungues gladiolis suis aptant. Oculis undique omnia perlustrant . . . uix unum psalmum ad finem usque æquo animo audire possunt: sua enim sedilia quasi urticarum sedes uidentur . . . Nec probanda est consuetudo ubi iudicia exercentur, ubi omnium fiunt conuentus uirorum et mulierum ad transigendas lites in templo: nec etiam ubi rationes reddituum redduntur et decimarum in Pascha. Tunc enim rixæ, iuramenta, et infinita alia crimina committuntur. Hisce tamen temporibus in diuorum aris suas pecunias numerant, quod sine multis uerbis ociosis fieri nequit. . . . Male ergo quidam fratres faciunt, qui a mulieribus in templo pannum lineum mercari solent.'—(Fr. R. Richardini Exegesis, foll. 73, 74, 77, 78).

Archbishop Hamilton's Catechism, printed at St. Andrews in 1552, condemns 'carreling and wanton synging in the Kirk,' and censures those 'that beand in the Kirk in the tyme of Goddis word or seruice, occupeis thame self in vaine, euil, or ony warldly talking, lauchhing, scorning, or ony siclik doingis.' (foll. xxxvi).

Compare the 'Homily for repairing and keeping clean of Churches' in the Second Book of Homilies of the Church of England, published A.D. 1563: 'Good people . . . suffer not your churches to be defiled with . . . dung of doves and owls, stares and choughs, and other filthiness, as it is foul and lamentable to behold in many places of this country. Good people . . . it is the house of prayer, not the house of talking, of walking, of brawling, of minstrelsy, of hawks, of dogs' (p. 257. edit. Oxf. 1822).

Page 132, no. 246. *De visitatione Hospitalium.*

Abuse of Hospitals

Compare statute 216, p. 113; and Dansey's Hor. Dec. Rur. vol. i. pp. 357-360.

The abuse of hospitals in Scotland seems to have been of old standing. One of the transcribers of John of Fordun interpolates his text to lament the secularization of the hospitals founded by King David I.: 'Multas etiam Domus Dei, quæ Gallice *Maisons a Dieu*, Latine Hospitalia, ad receptandum hospites debiles et pauperes, necnon Leprosorum Domus, magnis impendiis construxit munificeque dotavit: quæ quasi omnia hodie in abusus secularium, et speluncam vespilionum, quod dolenter refero, convertuntur.'—(Scotichron. lib. v. cap. xlviii. vol. i. p. 301. not. edit. W. Goodall.)

Acts for the visitation and reform of hospitals were made by Parliament in the years 1424, 1457, 1466, 1469, 1540, and 1578.—(Act. Parl. Scot. vol. ii. pp. 7, 49, 86, 97, 374; vol. iii. p. 98.)

Page 132, no. 247. *Additio ad vetus Statutum de Excommunicatis Vitandis.*

The 'vetus Statutum' is not known to be preserved, but its rubric appears in the Frag. in Pub. Archiv. Scot.: 'De excommunicatis publice vitandis et per Curatos notandis.'

Page 133. no. 249. *Insordescentes affigantur in cancellis aut valvis ecclesiæ.*

Names of excommunicates to be placarded in chancels and on church doors.

The secular statutes referred to are the Acts of King James V., of 1525 and 1535, and of Queen Mary, of May 1551. Another Act to the same purpose was made on the 1st of February 1551-52, probably during the sitting of the Provincial Council.—(Act. Parl. Scot. vol. ii. pp. 297, 342, 482, 485.)

A facsimile of a placard affixed to the doors of the churches of Norham and of Newcastle, in the year 1467, publishing the excommunication of Patrick Home and John Home, is given in the Priory of Coldingham, pref. p. ix.

Page 134, no. 250. *De glebis ecclesiæ non alienandis.*

Compare statute 187, p. 94.

Page 134, no. 251. *De Clandestinis Matrimoniis, et Bannis, et Registris Curatorum.*

Compare the Synodal Statutes 66, 83,

121, 124, 155, 156, pp. 36, 37, 42, 58-60, 68, 69; and Dansey's Hor. Dec. Rur. vol. i. pp. 183, 184.

The 'vetera statuta Provincialia' referred to do not seem to be preserved.

Parish registers of banns, of marriages, and of baptisms.

To the statute in the text, Lord Hailes remarks, 'the present age unknowingly owes the establishment of the registers of proclamations of banns, of marriages, and of baptisms. The solicitude of the Council for rendering such registers perfect is highly laudable; the reasons assigned for this solicitude are sensible.'—(Hist. Mem. of Prov. Counc. in Ann. of Scot. vol. iii. p. 263.)

The registration of deaths or burials may perhaps have been thought already sufficiently provided for by the Synodal Statute of St. Andrews, no. 161, p. 70.

Compare the Act of the Privy Council of Scotland of 10th December 1616, printed in the Tenth Annual Report of the Deputy-Clerk Register of Scotland, pp. 31, 32; the Canons and Constitutions of the Church of Scotland A.D. 1636, chap. xiii.; and the Bill for keeping of Registers of Births, Baptisms, Marriages, and Burials, brought into the Parliament of Scotland A.D. 1703, printed in the Proceedings of the Antiquaries of Scotland, vol. ii. p. 315.

At least one register framed in obedience to the statute of 1551-2 is known—the Register of the Proclamations of Banns, of Marriages, and of Baptisms in the parish of Errol, in the rural deanery of Gowrie, in the diocese of St. Andrews. It begins in May 1553. It is in the Register House.

Page 135, no. 253. *Circa editionem et publicationem Catechismi in gratiam virorum ecclesiasticorum curas animarum gerentium.*

Archbishop Hamilton's Catechism.

The Catechism ordered to be printed by this statute was published seven months afterwards: 'The Catechisme, that is to say, ane Commone and Catholik instructioun of the Christin people in materis of our Catholik faith and religioun, quhilk na gud Christin man or woman suld misknaw: set furth be the maist reuerend father in God Johne Archbischop of Sanct Androus, Legatnait and Primat of the Kirk of Scotland, in his Prouincial Counsale haldin at Edinburgh the xxvi. day of Januarie, the zeir of our Lord 1551. with the aduise and counsale of the Bischoippis and vthir Prelatis, with Doctours of Theologie and Canon Law of the said realme of Scotland present for the tyme. Prentit at Sanct Androus, be the command and expensis of the maist reuerend father in God, Iohne Archbischop of Sanct Androus, and Primat of the hail Kirk of Scotland, the xxix. day of August, the zeir of our Lord M.D.LII.'

It is a small quarto of 220 leaves, printed in black letter.

Page 138, no 254. *De mulcta in negligentes lectionem Catechismi.*

The Catechism to be read only when there is no sermon.

In accordance with this statute, the Archbishop in the preface to the Catechism explains that it is to be read to the people only when there is no preaching: 'And to be schort and plaine with zow all that ar spiritual curattis vnder vs, our hail intentioun is (as God we tak to our witnes) to help als mekill as lyis in vs the Christin people zour parochionaris out of blynd and dangerous ignorance, and to bryng thame to knawlege of thai thingis that belangis to thair saluatioun. And thairfor euerilk Sonday and principal halydaie, quhen thair cummis na precheour to thame to schaw thame the word of God, to haue this Catechisme vsit and reid to thame in steid of preching, quhil God of his gudnes prouide ane sufficient nowmer of Catholyk and abil precheouris, quhilk sal be within few zeiris as we traist in God, to quhom be honour and glore for euir. Amen.'

Page 146, no. 258. *Articles proponit to the Quene Regent of Scotland be sum temporall Lordis and Barronis, and sent be hir Grace to the haill Prelatis and principallis of the clargie convenit in thair Provincial Counsall in Edinburgh.*

The history of these Articles is told by the Bishop of Ross, writing A.D. 1571:

Articles of Reformation proposed by certain lords and barons to the Queen Regent, and sent by her to the Provincial Council A.D. 1558-9.

'The Quene Regent . . . at the desyre of sum temporall lordis and barronis . . . caused all the hoill prelattis and principallis of the clargie conveine and begin a Provinciall Counsall in Edinburgh, the seconde day of Merche, [A.D. 1558-9] quhilk continouit to the x. day of Aprill thaireftir; and send to thame with the Erle of Huntlie certane Articles presented to hir be the lordis and barronis . . . quhilkis Articles war in effect as followis:

'First, That the Commone Prayers shuld be permitted to be used publiclie in the parryshe kirkis, and the ministratione of the sacramentis, in the Inglis toung:

'Secoundlie, That all bischoprikes and uther benifices shuld be disponit to qualifeat men, to be chosin thairto be the electione of the temporall lordis, and people of thair dyoseis and parochynns:

'Thirdlie, That all bishoppis and utheris benefest men suld make residence at thair kirkis, and preche be thame selfes, conforme to thair calling; or utheris to be placed, quho culd best do the samyn:

'Fourtlie, That none shuld be admittit in tymes cuming to anye benefice, bot these qua war of sic lernit and utheris qualiteis, as thay culd be thame selfes but helpe of utheris execut thair charge in precheing and ministratione of the sacramentis; with sindrie utheris articles to this effect.

Answer by the Provincial Council.

'Eftir the prelattis had consulted lang thairupon, thay gaf ansuer to the Quene in this maner:

'As to the first, they had no power to alter the ordour of publique prayers and administratione of the sacramentis, prescryved and observed so mony yeris be the Catholique Kirke; and thairfoir wald not agre that any prayers war used publicklie in the volgar tounge, leaving to everye manis discretione to use his private prayers in quhat toung pleased him best.

'And as to the electione of bishoppis and utheris benifest men, thay walde wishe that the same ordour quhilk is prescrivit be the Cannowne Law, in the electione of bishoppis and utheris of the ministers of the kirke, war observed. Bot becaus the nominatione of the prelattis of the realme pertenis principallie to the Prince, thairfoir thay remit the ansuer thairof to be gevin be the Prince hir self with hir Counsall.

'As to the uther twa articles, tuoching the residence of benefest men in executione of thair office in precheing and ministratioun of the sacramentis, and that none suld be promoved to benefices bot thay that are weill qualifeit thairfoir, thay affirmed that thair was no better ordour culd be devised nor was prescrivit alreddy be the Cannone Law and statutes of thair Provinciall Counsall to that effect; and thairfoir thay promesed to caus the same be put to dew executione in all pointis.

'And than presentlie thay maid mony sharp statutes, and commandit all the bishoppis, abbotis, prioris, deanes, archedeanes, and all the rest thair presentlie assembled, and utheris throche all the partis of the realme, to mak thame selffis able, and use thair awin offices according to thair fondationis and callingis, within the space of sax monethes, onder the paue of deprivation; quhilk was the princepall caus that a gret nomber of younge abbottis, priors, deanis, and benefest men assisted to the interprice and practise devysed for the ourthrow of the Catholicke religeon, and tumult aganis the Quene and Frenche men, fearing tham selffis to be put at, according to the lawis and statutes. And so the Counsall was endit apoun the x daye of Apryle.'—(Bishop Lesley's Hist. Scot. pp. 269-271: cf. Leslæi de Reb. Gest. Scot. pp. 504, 505.)

Canons for Reformation passed by the Provincial Council.

Dr. M'Crie and Mr. Grub hold that two sets of Articles were sent to the Provincial Council by the Queen Regent:—(i.) The Articles described by Bishop Lesley, which they think were proposed by the Reformers; (ii.) The Articles in the text, which they think were proposed by persons well affected to the Roman Catholic Church, but anxious for the correc-

tion of abuses.—(Life of Knox, pp. 123, 124. Eccles. Hist. Scot. vol. ii. pp. 55-59.)

The question is not without difficulty, but upon the whole, I must believe with Lord Hailes, that only one set of Articles was sent to the Provincial Council by the Queen Regent; and, farther, that the Articles described by Bishop Lesley are the Articles printed in the text. They differ from the Articles presented to the Queen Regent by the Reformers, in July or November 1558, nor does it appear that these Articles were presented to the Provincial Council of March 1558-9.—(Knox's Hist. Reform. vol. i. pp. 275, 276, 291; Hist. of the Estate of Scot. 1559-1566, in Miscell. Wodrow Soc. vol. i. pp. 53-56; Bishop Keith's Hist. vol. i. pp. 180, 181; Archbishop Spottiswoode's Hist. vol. i. pp. 266, 267.)

The Articles in the text had great influence on the Provincial Council. Statutes 274, 275, 276, 277, 279, 281, 284, 292, 294 were obviously passed to meet their requirements.

The reference in the first Article (p. 146) is to the memorable warning of King James v. to the clergy A.D. 1540.—(Act. Parl. Scot. vol. ii. p. 370.) The statutes of King James iv. A.D. 1492, cited in the tenth Article (p. 150), are in the Act. Parl. Scot. vol. ii. pp. 232, 233.

Page 153, no. 261. *De observatione decreti Concilii Basiliensis contra concubinarios.*

Licentiousness of the clergy.

Compare statutes 171-173, pp. 86-88, made in the Provincial Council of Edinburgh A.D. 1549; and notes, pp. 283, 284. Compare also statutes 18, 23, 54, 63, 82, 101-103, 108, 113, 114, 143, 262-264.

The Dean and Chapter of Aberdeen promise to reform themselves, by putting away their acknowledged concubines, etc.

A few weeks before the statute in the text was passed, the Dean and Chapter of Aberdeen entreated their bishop to 'causs the Kirkmen within his Lordschipis dioeie to reforme thame selfis in all thair sclanderus maner of lyving, and to remoue thair oppin concubinis, alsweil grete as small, vnder sic panis as is contenit in the law and Actis Provinciall; and the Cheptour of Abirdene sall do sicklyk amangis thayme in all scharpest maner, conforme to the law, alsweill on thair selfis, as thair seruandis, or ony vther persounis duelland vndir thair jurisdictioun . . . And that the premisses, be the help of God, may tak the better effect, the Deyne and Cheptour forsaidis humlie and hartlie prayis and exhortis my Lord thair Ordinar, for the honour of God, releif of his awn conscience, and weill of his Lordschipis dyosie, eveting of grete sclander, and becauss all thai that are contrarius to the religioun Cristiane, promittis faythfull obedience to the Prelatis, swa that thai will mend thair awn lyvis and thair inferiouris, conforme to the law of God and Haly Kirk; in respect heirof that his Lordschip wald be sa gude as to schew gude and edificatyve example, in speciale in removing and dischargeing him selff of cumpany of the gentillwoman be quhom he is gretlie sclanderit; without the quhilk be done, dyuerss that ar pertinax sayis thay can nocht accept consall and correctioun of him quhilk will nocht correct himself.'—(Miscell. Spald. Club, vol. iv. pp. 57, 59.)

William Gordon, Bishop of Aberdeen; his concubine; his children.

The historian of his family tells that the Bishop, 'a good and learned man, had a daughter who wes mareid to the Laird of Vdny,' and a son, the father of one of the Scottish Colonels of Gustavus Adolphus. — (Sir R. Gordon's History of the Earldom of Sutherland, pp. 172, 478: cf. Reg. Episc. Aberd. vol. i. pp. lxiv.-lxvi.; Miscell. Spald. Club, vol. ii. p. 54.)

John Hamilton, Archbishop of St. Andrews; his incontinence

There was reason for the provision of the statute in the text enforcing observance of the Canon of Basle, 'De Concubinariis,' on the two Metropolitans. If the Archbishop of Glasgow was without reproach, the licentiousness of his brother of St. Andrews was only too open. His Catechism, with its emphatic warning, 'how Sanct Paul settis lycherous men in the first place of all thame that salbe excludit fra the kingdome of heuin' (fol. lv.), had not been three weeks out of the printer's hands, when his physician, the famous Cardan, gave him this counsel: 'De Venere, certe non est bona, neque vtilis; vbi tamen contingat necessitas, debet vti ea inter duos

somnos, scilicet post mediam noctem, et melius est exercere eam ter in sex diebus, pro exemplo ita vt singulis duobus diebus semel, quam bis in vna die, etiam quod staret per decem dies.'—(De Difficultate Respirandi pro Reuerendissimo Domino Domino Joanne Archiepiscopo Sancti Andreæ Ecclesiæ Cathedralis Regni Scotiæ, in Cardan's Opera, t. ix. p. 135. Lugd. 1663.)

Incontinence of Cardinal Beaton.

The 'inter duos somnos' may explain a passage in Knox's account of the murder of Cardinal Beaton: 'Maistres Marioun Ogilbye . . . was espyed to departe frome him by the previe posterne that morning; and tharefor qwyetnes, after the reullis of phisick, and a morne sleap was requisite for my Lord.'—(Hist. Reform. Scot. vol. i. pp. 174, 175.)

Archbishop Hamilton's children.

Cardinal Beaton had five bastards; his successor in the Scottish primacy had three.—(Reg. Mag. Sig. lib. xxvi. nn. 231, 331; lib. xxxvi. no. 594; Act. Dom. Conc. et Sess. vol. xviii. fol. 63. MSS. Reg. House; Lord Lindsay's Lives of the Lindsays, vol. i. p. 201; Martine's Reliquiæ Divi Andreæ, pp. 244, 245. J. Anderson's Mem. of House of Hamilton, p. 235; Mr. C. Innes in Quart. Rev. vol. lxxxix. p. 44.)

Page 154, no. 262. *Circa proles ecclesiasticorum.*

Compare statute 174, p. 89.

Page 155, no. 263. *De non promovendis filiis presbyterorum in ecclesiis paternis.*

Sons of priests not to be preferred to their fathers' churches.

Compare statute 108, p. 52; note, p. 277; Decretal. Greg. lib. i. tit. xvii. capp. 2-4, 10, 11, 13, 15, 16; the seventeenth chapter of the Constitutions of the Papal Legate, Cardinal Otho, in the Council of London A.D. 1237, in Wilkins' Conc. Mag. Brit. et Hib. t. i. p. 653: 'Ne succedat in ecclesia filius patri;' and the Lib. Official. S. Andree, pp. xxviii. xxix. xlviii. xlix.

Page 155, no. 264. *De non elocandis filiabus Prælatorum et ecclesiasticorum baronibus de patrimonio Christi.*

Cf. statute 174, p. 89; Prof. J. Y. Simpson's Antiq. Not. of Syph. in Scot. p. 39.

Churchmen not to give their daughters in marriage to lairds and barons, with dowries from church lands or rents.

'Temporality,' in the Satire of the Three Estates, bewails the unmarried daughters of the laity:

'For quhy? the markit raisit bene sa hie,
That Prelatis dochtouris of this natioun
Ar maryit with sic superfluitie
Thay will nocht spair to gif twa thowsand pound
With thair dochtouris to ane nobill man.'

'Spirituality' boasts—

'Howbeit I dar nocht plainlie spouse ane wyfe,
Yit concubenis I haif had four or fyfe.
And to my sonis I haif givin rich rewairdis,
And all my dochteris maryit upon lairdis.'

Again 'Diligence' proclaims—

'From this day forth, our barrouns temporall
Sall na mair mix thair nobil ancient blude
With bastard bairnis of stait spirituall.'

—(Lindsay's Poet. Works, vol. ii. pp. 79, 88, 119.)

The contemporary account of the play as it was acted before the King and Queen at Linlithgow, on Twelfth Day 1540, relates how it showed 'the grete abusioun of Busshopes, Preletts, Abbotts, reving mens wifs and doughters and holding thaym; and of the maynteynyng of thair childer; and of thair over bying of Lords and Barrons eldest sones to ther doughters, wher throughe the nobilitie of the blode of the realme was degenerate.'—(J. Pinkert. Hist. Scot. vol. ii. pp. 496, 497.)

So Alexander Scott in his 'New Yeir Gift to the Quene Mary quhen scho come first hame' A.D. 1561-2:

'But wyte the wickit pastouris wald nocht mend,
Thair vitious leving all the warld prescryvis . . .
Now to reforme thair fylthy licherous lyvis
God give the grace aganis this guid New Yeir.
Thaj brocht thair bastardis with the skrufe thaj skraip,
To blande thair blude with barrownis be ambitioun.'

—(Poems by Alex. Scott, p. 7. Mr. D. Laing's edit.)

So also one who died Abbot of the Scottish Monastery of St. James, at Ratisbon, addressing the Scottish 'Bischopis and vtheris pastores' A.D. 1562: 'Zour merchandrice, zour symonie, zour glorious estait, zour solicitude be mariage efter to haif brocht the baronis to be impis of zour posteritie, and witnessing in all aiges to cum of zour godlines, quhay speikis not of it? . . . Gaif the Princes of the erth zow

zeirly rentis . . . to the end that euery ane of zow mot spend the samyn vpon his dame Dalida and bastard browis?'—(N. Winzet's Tractatis, pp. 5, 6.)

Dowry of Cardinal Beaton's daughter.

When Cardinal Beaton married his daughter to the Master of Crawford A.D. 1546, he gave her a dowry of 4000 merks, the same sum which the Regent Arran, the first subject of the realm, gave in marriage with one daughter to the Earl of Eglinton A.D. 1545, and with another to Lord Fleming A.D. 1555.—(Lord Lindsay's Lives of the Lindsays, vol. i. p. 201; Mr. W. Fraser's Memorials of the Montgomeries, vol. ii. p. 135: Miscell. Mait. Club, vol. iv. p. 200.)

Dowry of Bishop Chisholm's daughter.

When Bishop Chisholm of Dunblane—perhaps the poorest of all the Scottish sees—married his daughter to Sir James Stirling of Keir A.D. 1542, he gave her a dowry of £1000, and a lease of tithes, and became bound to keep her and her husband for five years.—(Mr. W. Fraser's Stirlings of Keir, pp. 39, 40, 378, 379.)

Page 156, no. 265. *De familiis et servitoribus ecclesiasticorum.*

Compare statute 181, p. 91; and note, p. 286.

Page 156, no. 266. *Ne clerici exerceant mercaturam.*

Compare statute 175, p. 89; statutes 22 and and 127, pp. 16, 60; and note, p. 278.

Page 157, no. 267. *De habitibus et tonsura clericorum et ecclesiasticorum virorum.*

Compare statutes 176, 177, pp. 89, 90; and notes, pp. 285, 286.

Page 158, no. 269. *De visitatione Monasteriorum monachorum et monialium.*

Monasteries and nunneries.

Compare statute 182, pp. 91, 92; and statute 242, pp. 129, 130.

The contemporary account of Lindsay's Satire of the Three Estates, as it was played before the King and Queen at Linlithgow on Twelfth Day 1540, relates how it showed 'the great abomynable vices that reiagne in clostures, and the common bordelles that was keped in clostures of nunnes.'—(J. Pinkert. Hist. Scot. vol. ii. 497.)

The zealous Winzet confesses, A.D. 1563, that 'the monastik lyfe . . . in our days . . . wes abusit among mony in idelnes and welthy lyfe, and cloikit with glistering ceremoneis of germountis and siklyke, mair than in trew religioun.'—(Certane Tractatis, p. 110.)

Page 158, no. 270. *De reparationibus ecclesiarum et murorum cœmiteriorum.*

Churches allowed to become ruinous.

Archbishop Hamilton's Catechism reminds the beneficed clergy of their duty 'in reparatioun of thair queir quhen it nedis.' (fol. lix).

'Oppressioun the Persoun I leif vntill . . .
His purpois is na kirkis for to big:
Sa fair ane barne tyme God hes him sendin,
Thir sevin yearis the queir will ly vnmendin.'

—(Duncan Laideus Testament, in the Black Book of Taymouth, p. 166.)

A few weeks before the statute in the text was passed, the Dean and Chapter of Aberdeen, among other points of counsel given to their Bishop, urged that 'sequestratioun of all frutis be maid *vsque ad reformationem ecclesiarum pro parte rectorum*, and writingis to be maid thairvpon be my Lord to thame all that ar absent, to cum and mak residence within the diocie and Chanonrie of Abirdene, and to reforme thair kirkis, and causs prechingis to be maid thairintill, according to the Actis. *Item*, to this effect, the statute of resedence to be put to executioun, conforme to the fundatioun, *super septima*.'—(Miscell. Spald. Club, vol. iv. p. 58.) The references in the last sentence are to statutes of the dean and chapter of Aberdeen.—(Reg. Episc. Aberd. vol. ii. pp. 45, 46, 57, 73: cf. Reg. Episc. Morav. p. 105.)

In September 1563, the Privy Council made an act for the repair or rebuilding of parish churches, 'which,' it is said, 'partlie in slenth and negligence of the parochinaris, and partlie be oversicht of the parsonis, dailie decayis and becumis ruynous, and part of thame ar alreddy

fallin down, the parochinaris nawyis causand the samyn to be mendit, nor yit the parsone doand that apperteins to him for uphald thairof; quhairthrow the preiching of the word of God, ministratioun of the sacramentis, and reiding of the comone prayeris ceissis, and the people thairthrow becumis altogidder without knawlege and feir of God.'—(Bp. Keith's Hist. vol. iii. pp. 77-79; Lord Kaimes' Stat. Law of Scot. Abridg. app. no. ii. pp. 444, 445.)

Page 159, no. 271. *Quod beneficiati compellantur ad receptionem sacrorum ordinum, et de pluralitate beneficiorum.*

Compare statutes, 80, 108, 134, 137, 206, 215; and notes, pp. 272, 273, 277.

Page 159, no. 272. *De Curatorum stipendiis, et Vicariorum Pensionariorum residentia.*

Compare statutes 202 and 206, pp. 106-108.

Page 160, no. 273. *De pœnis delinquentium, et de excessibus.*

Compare statutes 185, 186, pp. 93, 94, made in the Provincial Council of Edinburgh A.D. 1549; and note, p. 286.

Page 161, no. 274. *De Prædicatione verbi Dei, et circa neglectæ doctrinæ reformationem.*

Compare statutes 188, 192, 193, 195-197, 199, 218, 223-225, 227, 240; and note, pp. 288, 289.

Compare also the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, p. 147, and statutes 275 and 276 made in that Council.

Page 161, no. 275. *De Prædicatione facienda per alios ecclesiasticos.*

Compare the Articles sent by the Queen Regent to the Provincial Council A.D. 1558-9, p. 147. Compare also statute 195, pp. 99, 100, made in the Provincial Council of Edinburgh A.D. 1549; and statute 240, p. 129, made in the Provincial Council of Edinburgh A.D. 1551-2.

Page 163, no. 276. *De uniformi doctrina per singulos prædicatores observanda.*

Compare statute 199, p. 104, made in the Provincial Council of Edinburgh A.D. 1549.

Compare also the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, p. 147.

Page 165, no. 277. *De Exhortationibus ante ministerium Sacramentorum legendis.*

Exhortations to be read before ministering the sacraments.

This statute was obviously passed to meet the requirements of one of the Articles sent to the Provincial Council by the Queen Regent (p. 148).

The Exhortation appointed to be read before ministering the Sacrament of the Altar, is printed at pp. 177-179, no. 296. The other Exhortations have not been preserved.

Page 165, no. 278. *De Religiosis ad Universitates mittendis.*

Compare statute 198, pp. 102-104, made in the Provincial Council of Edinburgh A.D. 1549, and statute 241, p. 129, made in the Provincial Council of Edinburgh A.D. 1551-2.

Page 166, no. 279. *De qualitate promovendorum ad Beneficia.*

Unqualified clergy not to be beneficed.

Compare statute 206, pp. 107, 198, made in the Provincial Council of Edinburgh A.D. 1549; the Articles sent by the Queen Regent to the Provincial Council of Edinburgh A.D. 1558-9, p. 147; and note, pp. 290-292.

Archbishop Hamilton's Catechism, published by command of the Provincial Council A.D. 1551-2, and enjoined to be read in churches, reprobates the heinous 'syn of Princis, Lordis, Byschoppis, and vthir patronis spirituall and temporall, quhen thay prouid and promouis ony vnworthy and vnqualifeit man to ony dignitie and benefice in the Kirk, for lufe of temporall geir to thair awin auantage, or of ony vthir freind or fremmit. Quhy sulde nocht that be callit theift, quhilk is geuin for lufe of geir, that suld be giffin frelie for the lufe of God and in respect of leirnying and vertew?

. . . Laste of al, we can nocht, nor suld nocht excuse benefecit men . . . quhilk ressauis the patrymonye of Christ (that is to say) teindis and offeryngis fra the Christin pepil, ze sum tyme mair largelie than thay suld do, and wyll nocht mynister agane to the peple the word of God, for the fude of thair saulis, the haly sacramentis for the consolatioun of thair saulis, and wyll gyf na parte of thair benefice for the sustentatioun of pure peple within thair parys-chyng.' (foll. lviii.-lix.)

Page 167, no. 281. *De Mortuariis.*

Mortuaries or Corse Presents: the 'Kirk Cow' and the 'Upmost Cloth'

Compare statutes 88 and 100; note, pp. 273, 274; and the Articles sent to the Provincial Council by the Queen Regent, pp. 148, 149.

The Mortuary dues, or 'Corse Presents'—the 'Kirk Cow,' and the 'Upmost Cloth,' as they were called—exigible by the church on the death of a parishioner, were, for obvious reasons, a hateful and galling tax.

Duncan Laideus bequeaths to the Vicar:

> . . . . . . 'diligence and cure
> To tak the vpmest claith and the kirk kow,
> Mair nor to put the corps in sepulture.'

—(The Black Book of Taymouth, p. 166.)

So also Lindsay in the Satire of the Three Estates:

> 'The pure cottar, being lyke to die.
> Haifand young infants twa or thrie,
> And hes twa ky, but ony ma
> The Vickar must haif ane of thae,
> With the gray frugge that covers the bed,
> Howbeit the wyfe be purelie cled;
> And gif the wyfe die on the morne,
> Thocht all the bairns sould be forlorne,
> The uther kow he cleikis away,
> With the pure cot of raploch gray:
> Wald God! this custome war put doun,
> Quhilk never was foundit be resoun.'

—(Poet. Works, vol. ii. pp. 52, 53.) Compare vol. ii. pp. 5-8, 118; vol. iii. p. 105; and the contemporary account of the Satire of the Three Estates, as it was played before the King and Queen at Linlithgow on Twelfth Day 1540, in J. Pinkert. Hist. Scot. vol. ii. p. 496.

So also the Book of Godly Songs:

> 'Preists, take na kyis,
> The vmest claith ye sall quite claime;
> Fra sax pure bairnes with their dame,
> A vengeance on you cryis.'

—(Scot. Poems of Sixteenth Cent. p. 183.)

The abolition of the Corse Present and the Upmost Cloth is said to have been pressed upon the clergy by King James v. in 1535-6.—(State Papers of King Henry VIII. vol. iv. p. 667.) It was one of the points of reform urged in the Articles sent to the Queen Regent by certain temporal lords and barons, and by the Queen Regent remitted to the Provincial Council of 1558-9 (pp. 148, 149). The statute in the text was passed in consequence. It so far limited the exaction of mortuary dues, and they would seem to have been relinquished altogether by some of the clergy who took part with the Reformers.—(Miscell. Spald. Club, vol. iv. pp. 120-122.)

It was pleaded in the Court of Session on 4th February 1560-1, that the vicar of Cramond had no right to a Corse Present claimed by him from the executors of a parishioner, because the parishioner 'had nocht the tyme of hir deceis ten pundis of fre gudis, by the dettis and barne part of gudeis, as hir testament proportis; and swa nocht onle be the Kirkmennis awin statutis last maid in thair Provinciall Counsale haldin at Edinburgh, bot alswa be the law of God, and siclik be the lovabill actis mad be the nobilitie of Scotland sensyne, thar aucht na sic Corpspresent or herezeld be grantit or gevin in this behalf.'—(Reg. of Acts and Decreets, vol. xx. fol. 303. MS. Reg. House.)

This pleading, which, it will be seen, misrepresents the statute, was not sustained by the Court. The 'lovabill actis mad be the nobilitie of Scotland' seem to be a provision added to the First Book of Discipline, chap. viii. § 3, by the Lords and others who subscribed it, apparently on 27th January 1560-1: 'That thir teyndis and utharis exactionis be clene discharged and never be tackin in

tyme cuming, as the Uppermost Claith, the Corps Present, the Clerk Maill, the Pasche Offeringis, Teynd Aill, and all Handlingis Upaland can neather be required nor resauit of godlie conscience.'—(Knox's Hist. Reform. Scot. vol. ii. p. 222.)

Mortuaries in England, and in Wales.

In England the exaction of Mortuaries from persons having less than ten marks of personal estate was forbidden by the Act 21 Henr. VIII. chap. vi. (A.D. 1529), which regulated also the amount payable by others, the highest sum chargeable in any case being ten shillings.—(Stat. of the Realm, vol. iii. pp. 288, 289.) In Wales mortuaries were paid by parish priests to their bishops until the year 1713, when they were abolished by the Act 13 Anne, chap. vi.—(Id. vol. ix. pp. 912-915.)

It has been seen how the extortion of a beggarly Corse Present from a poor widow, or from helpless orphans, kindled the just anger of the Poet of the Scottish Reformation. But the charming story of Squire Meldrum shows that the eye of the Lyon King loved to look on the mortuary war-horse, marshalled with all his rich caparison, in the funeral pomp of the chivalrous soldier or lordly baron :

> 'Syne nixt my beir sall cum my Corspresent,
> My bairdit horse, my harnes, and my speir,
> With sum greit man of my awin kynrent,
> As I wes wont on my bodie to beir,
> During my time quhen I went to the weir ;
> Quhilk sal be offerit with ane gay garment,
> To Mars his preist at my interrement.'

—(Poet. Works, vol. ii. pp. 313, 314.)

Page 168, no 282. *De terris ad ecclesias spectantibus in feudi firmam seu emphiteosim minime locandis aliis personis quam antiquis nativis tenentibus possessoribus et elaboratoribus terrarum.*

Church lands not to be feued except to their old native tenants, occupants, and labourers.

This was a point of reformation for which Lindsay pleaded carnestly in his Satire of the Three Estates :

> 'Set into few your temporall landis
> To men that labouris with thair handis,
> But nocht to ane gearking gentill man
> That nether will he wirk nor can.'

Again :

> 'And als the common weill for till avance,
> . . . . . . that all the temporall landis
> Be set in few, efter the forme of France,
> Til verteous men that labouris with thair handis . . .
> And quhen thay heir ane proclamatioun
> That the Kingis Grace dois mak him for the weir,
> That thay be reddie, with harneis, bow, and speir.'

—(Poet. Works, vol. ii. pp. 50, 57, 113.) Cf. vol. ii. pp. 43-45 ; and the contemporary account of the play as it was acted before the King and Queen at Linlithgow on Twelfth Day 1540, in J. Pinkert. Hist. Scot. vol. ii. p. 496.)

The Convention of 1561 and the Parliament of 1563, having special regard, it would seem, to the ecclesiastical statute in the text, enacted 'that na kyndlie lauchfull possessour, tenant, or occupyar of the Kirk landis be remouit fra thair kyndelie rowme, steiding, or possessioun, be the allegit fewaris or takaris of the samin in lang takkis, sen the saxt day of Marche the yeir of God ane thousand fyue hundreth fyftie aucht yeiris,' etc.—Act. Parl. Scot. vol. ii. pp. 540, 606.)

N. Winzet, addressing the nobles A.D. 1562, says : 'Bot of the rigour to the pure dune on zour awin landis, and of the approprying the kirk landis with vtheris dewiteis thairof, to zour awin kechingis : of the depaupering the tennentis be zour fewis, augmentationis and utheris exactionis ; or of the schuiting of honeste men fra thair native roumes, be tytle off zoure newe quhirlie fewis, tyme seruis not to schaw.'—(Certane Tractatis, p. 8.)

Page 170, no. 283. *De decimis aut per ecclesiasticos ad suos proprios usus colligendis aut colonis et agrorum laboratoribus locandis.*

Oppressive collection of tithes

> 'Oppressioun the Persoune I leif vntill,
> Pouir menis corne to hald vpone the rig,
> Quhill he get the teynd alhaill at his will,
> Suppois the barnis thair bread suld go thig.'

—(Duncan Laideus' Testament, in the Black Book of Taymouth, p. 166.)

Page 171, no. 284. *De abbreviatione processuum Curiarum Consistorialium, et officio procuratorum.*

Compare the Articles sent by the Queen

Regent to the Provincial Council, pp. 149, 150; statute 236, pp. 124-126, made in the Provincial Council of Edinburgh A.D. 1549; note, pp. 295, 296; and the Lib. Official. S. Andree, p. xxvii.

Page 172, no. 288. *De legitima ætate subditorum regni.*

Age of majority: conflict between the Canon Law and the Common Law of the realm.

The secular law of Scotland held twenty-one years to be the age of majority. But the ecclesiastical law, following the Roman, held that majority was not reached till twenty-five. The statute in the text, by bending the canon law to the common, removed a conflict which must have occasioned frequent embarrassment.

Some traces of the old church rule survived the Reformation. The Scottish Kings had been in use to exercise their dangerous privilege of revocation 'at thair perfite age of xxv. yeris,' 'post legitimam et perfectam etatem viginti quinque annorum.'—(Act. Parl. Scot. vol. ii. p. 357; Reg. Mag. Sig. lib. xxvi. nn. 15, 20, 26-28, 39, 42, 54, 63, 81, 82, 88, 93, 94, 103, 104, etc. MS. Reg. House.)

King James VI. followed their example. Although he had made one revocation in July 1587, on completing his twenty-first year, he made a second revocation in July 1591, on completing his twenty-fifth year, and set forth in his charters that they were granted 'post nostram legitimam et perfectam etatem viginti quinque annorum completorum.'—(Act. Parl. Scot. vol. iii. pp. 429, 439, 559; Reg. Mag. Sig. lib. xxxviii. nn. 284, 305-7, 309, 311-3, 315, 318-21, 325, 327-8, 331, 333-6, 338-9, 341, 345-6, 353; lib. xl. nn. 6, 10, 20, 21, 24-5, 27, 30, 32-3, 35, 42, 47, etc.; lib. xliv. nn. 16, 17, etc. MS. Reg. House.)

Page 173, no. 290. *Quod singuli parochiani intersint Missæ sacrificio.*

Parishioners to hear mass at their own parish churches.

Compare statute 245, pp. 131, 132, made in the Provincial Council of Edinburgh A.D. 1551-2.

In January 1558-9, the Dean and Chapter of Aberdeen, among other points of counsel given to their Bishop, for reforming the enormities within his diocese, urged him 'to send ane summondis *contra infamatas personas de heresi, quod compareant coram Episcopo Decano et Capitulo, suis in hac parte consiliariis et assessoribus, ad videndum et audiendum se plecti et puniri secundum juris exigentiam et qualitatem delicti, vel purgandum se purgatione canonica: necnon et propter absentiam ab ecclesiis suis parochialibus, diebus saltem Dominicis, et signanter quia non dedignantur interesse sacrificio Misse:* And quhen thai cum, to examine thame *Quid sentiunt de sacramento altaris, et de potestate ecclesie, et sacrificio Misse, et reliquis ecclesie sacramentis?* And to gif resoun of thair fayth and beleif, *secundum discretionem examinantis*, conforme to the Scriptour: Quhilk summondis sall be send to thair duelling placis that ar within the diocie . . . becauss thai cum nocht to thair paroche kirkis, or at thair paroche kirkis on ane Sonday, or ony solemnit haly day.'—(Miscell. Spald. Club, vol. iv. p. 58.)

Compurgation of heresy.

Page 174, no. 292. *De ratione pro minutis decimis et oblationibus ante Pascha facienda.*

This statute was made apparently to meet the requirements of one of the Articles sent to the Provincial Council by the Queen Regent, pp. 148, 149. Compare statute 77, p. 40.

Page 174, no. 293. *De baptizatione infantium secundum formam a Christo institutam et ab ecclesia receptam.*

Form of baptism in the Scottish Church A.D. 1552

The ceremonies used in the administration of baptism in the Scottish Church are minutely described in Archbishop Hamilton's Catechism, published by authority of the Provincial Council of 1551-2:

'Quhen the barne is brocht to the kirk to be baptizit solemnly, first at the kirk dore, the minister makis ouir the barne ane exorcisme, eftir this maner: First he blawis apon the barne in takin that the euil spreit be the powar of God sall be expellit fra that barne and haue

na powar to noy it, and that the Haly Spreit sal dwel in it as gyder and gouernour. Secund, the minister makis the signe of the crosse apon the barnis brow and his breist, to signify that he is to be maid ane Christin man . . . The thrid, the minister puttis salt in the barnis mouth, quhilk betakins that his wordis suld euir be seasonit with the spiritual salt of wisdome . . . The fourt, the minister reidis the euangil: *Oblati sunt Iesu paruuli* (Math. 19.) . . . The fift, quhen this is done, the godfatheris and godmotheris layis thair hand apon the barne and sais the Crede and the *Pater Noster*, and in sa doing thai represent the hail Kirk of God, quhilk offeris that barne to our Saluiour Christ, and ressauis it to hir faith . . . The sext, eftir this the minister takis his spattel and vnctis the barnis neysthirles and the eiris, to signifie that a Christin man suld haue ane sweit sauoir, that is to say, ane gud name and fame— . . . and also that he haue alwais his eiris oppin to heir the word of God. Efter that the exorcisme is endit the barne is brocht to the Font, and quhen the name is geuin to the barne be the mouth of the godfather and godmother, the barne renuncis the Deuil and al his workis. First the minister sais: ABRENUNCIAS SATHANE? *Renuncis thow the Deuil?* The godfather and godmother answeris for the barne, sayand: ABRENUNCIO: *I renunce.* The minister speris agane: ET OMNIBUS OPERIBUS EIUS? *Renuncis thow all the workis of the Deuil?* Thai answeir agane: I RENUNCE. The minister speris agane the third tyme: RENUNCIS THOW ALL HIS POMPE, ALL VANITEIS AND GLORE OF THIS WARLD, PRYDE, EXCESSE, INORDINAT LUST AND PLESOUR? Thai answeir agane the third tyme, sayand: I RENUNCE . . . Than this beand done, the barne that is to be baptizit is vnctit with haly oyle apone his breist to signifie that his hart is consecrat to God . . . Also he is vnctit betwene his schulderis, to signifie that God giffis him strenth to do gud deidis, to beir the zoik of Christ . . . Quhen the vncting is completit, thair followis ane Catechisme, that is to say, ane inquisitioun of our faith quhilk we aucht to haue of the blissit Trinite, the Father, the Sonne, and the Haly Spreit; quhairto thai geue answeir sayand thrie tymis: CREDO; *I beleif.* Agane the minister sais: CREDIS SANCTAM ECCLESIAM? REMISSIONEM PECCATORUM? CARNIS RESURRECTIONEM, ET VITAM ETERNAM POST MORTEM? *Trowis thow that thair is ane Haly Kirk? Remissioun of synnis? Rysing vp agane of the flesche, and eternal lyfe eftir the dede?* The answeir is maid be the godfatheris and godmotheris in the barnis behalf: CREDO; *I beleif.* Quhen the barne eftir this manir hais professit and confessit his faith, the minister speris at him, sayand: VIS BAPTIZARI? *Wil thow be baptizit?* Thai answeir agane: VOLO; *I will* . . . Than incontinent the barne is baptizit in the name of the Father, and the Sonne, and the Haly Spreit . . . In sum countrei thai vse to dippe the barne thrise in the wattir of the font, and in sum countrei thai laiue or powris wattir on the barne thrise: quhilkis of thir vsis be done, it rakkis nocht, for Baptyme is geuin bayth the wais. And the barne is twichit with the wattir of the Baptyme thrise: anis quhen the Father is namit, anis quhen the Sonne is namit, and anis quhen the Haly Spreit is namit . . . Quhen the barne is baptizit, he is vnctit with Crisme apon his foreheid, and that betakins plainly that he is than maid ane Christin man . . . Last of al the barne that is baptizit is clede with ane quhite lynning claith callit ane Cude, quhilk betakins that he is clene weschin of all his synnis, that he is brocht to the libertie of the Haly Spreit, that he suld lyue ane innocent lyfe all the dais of his lyfe . . . And finally ane lychtit torche or candil is geuin to him in his hand, quhilk betakkinnis that he suld leif sa perfitly eftir the Euangil of Christ, that he mycht geue the lycht of gud exempil to his nychtbour, that throgh him God may be glorifyit.' (foll. cxxix.-cxxxii). Cf. note, pp. 274, 275; Mart. De Antiq. Eccl. Rit. lib. i. cap. 1, artt. i.-xviii. t. 1, coll. 1-235.

Ceremonies at baptism rejected by the Reformers

It would appear that the ceremonies more especially condemned by the Reformers were 'exorcizatioun, the signe of the croce with the

rycht hand on the forret, to be maid to renunce the Deuil and all his werkis, the vncting with oyll and chrisme, the baptizit to be couerit with a quhyte clayth callit the Cuid, to be thryis dippit in the wattir.'—(N. Winzet's Tractatis, A.D. 1563, p. 76.)

Baptism of King James VI. A.D. 1566.

It is said that in deference to Queen Mary's objection to anointing the nostrils and ears with spittle, Archbishop Hamilton did not use this rite in christening her son, King James VI. 'As for the Queene my mother, of worthy memorie,' so the King writes in his dispute with Bellarmine, 'although she continued in that religion wherein shee was nourished, yet was she so farre from being superstitious or *Iesuited* therein, that at my baptisme (although I was baptized by a Popish Archbishop) she sent him word to forbeare to vse the spettle in my baptisme; which was obeyed, being indeed a filthy and an apish tricke, rather in scorne then imitation of Christ; and her owne very words were, *That she would not have a pockie priest to spet in her childs mouth.*'—(The Workes of James, King of Great Britaine, p. 301. Lond. 1616.)

Page 174, no. 293. *Quoniam Paulus Methuen, Guilelmus Harlay, Joannes Grant, Joannes Willocks, Joannes Patrik, et alii complures Catholicæ fidei et ecclesiasticæ unitatis desertores, etc.*

The statute names five Reformed preachers. Four are well known—Methven, Harlay or Harlaw, Grant or Douglas, and Willocks or Willock. The fifth—John Patrick—has not been recognised; but probably John Christieson is meant.—(Historie of the Estate of Scotland 1558-1560, in Miscell. Wodrow Soc. vol. i. p. 55; Dr. M'Crie's Life of Knox, pp. 115, 124, 360.)

John Knox's share in the Reformation.

It may perhaps surprise some readers that the name of John Knox should not be in the list. But, in truth, although the Reformation was now on the eve of its triumph, he had as yet played but a secondary part. He did not avow himself on the Reformed side until he had reached the ripe age of forty, in the year 1545—that is, after the Pope's authority had been abolished, and the monasteries suppressed in England; after Lindsay's Satire of the Three Estates had been played in public before the Scottish King and Court, and the free use of the Scriptures in the vulgar tongue had been sanctioned by the Parliament of Scotland. From the summer of 1547 to the autumn of 1555 Knox was in England or on the Continent. After spending not quite a twelvemonth in Scotland, he again withdrew to the Continent in July 1556. He resisted the most urgent entreaties to return to Scotland until May 1559, when freedom of worship, according to the Reformed rites, had been practically secured. Mr. David Laing—to whose life-long veneration for the Reformer we owe the first collection of his writings—has remarked that 'on more than one occasion, Knox displayed a timidity, or shrinking from danger, scarcely to have been expected from one who boasted his willingness to endure the utmost torture, or suffer death in his Master's cause.'—(Works of John Knox, vol. vi. pref. p. lxxxi.)

Knox's timidity

Page 175, no. 294. *Ne sacramenta Eucharistiæ aut Matrimonii ministrentur, nisi secundum solitam formam ab ecclesia institutam.*

This statute appears to have been passed to meet the requirements of one of the Articles sent to the Provincial Council by the Queen Regent, p. 150.

Lay administration of the sacrament of the Lord's Supper among the Reformers

It would seem to be directed against the administration of sacraments by laymen, which had begun among the Reformers. 'Quhy ar nocht the Lordis and wtheris [as] lauchfull ministeris as Iohne Knox and his complices?' was one of the questions asked by Ninian Winzet of the Reformers A.D. 1561-2, and again A.D. 1563: 'Gif Iohne Knox and ze affirmis zour selfis lauchfull [ministeris] be ressoun of zour science, and that ze are permittit always, gif ze be nocht admittit, be thais kirkis quhome ze serue: Quhy hef ze prechit manifestlie a grete errour and schisme in zour

congregatioun, contending with twith and nail (as is the prouerb) sum lordis and gentilmen to hef gretumlie failzeit, ministrand zour Communioun in tymes bypast to thair awin houshald seruandis and tenentis; sen the lordis and gentilmen being men of science, be thair awin iugement, in that case wes permittit be thair saidis seruandis to that office, quha affirmis thame selfis to be a Kirk of God?'—(Certane Tractatis, pp. 18, 89.) Winzet adds that Knox's answer to this question 'wes sa schort and obscur that we vnderstude it not.'

Form of words in marriage

'The forme of wordis vsit in the contract of mariage, is that quhairby the ane giffis to the vthir powar of thair bodye, exprement thair consent to the same be wordis of the present tyme, quhen the man sais to the woman: I TAK THE TO MY WEDDIT WYFE, and the woman sais to the man: I TAK THE TO MY MARYIT HUSBAND, baith of thame ending thir wordis be inuocatioun of God, sayand: IN THE NAME OF THE FATHER, AND THE SONE, AND THE HALY SPREIT. This consent into carnal copulatioun, expremit be the wordis of the present tyme, is the cause of matrimony. And eftir that consent, quhen thai conioine togidder in carnal deid, mariage is consummat and endit.'—(Archbishop Hamilton's Catechisme, foll. clxvii. clxviii.) Compare Mr. Riddell's Peer. and Consist. Law of Scot. vol. i. p. 492.

See the form of words used in espousal or handfasting, in Mr. Innes' Lib. Official. S. Andree, pp. xv. xvi. 21; and Mr. Riddell's Peer. and Consist. Law, vol. i. p. 492, note 2.

The statute in the text is said to have been enforced by a proclamation of the Queen Regent on the 23d of March 1558-9, 'conteining in effect, that no manner of persone should take upon hand to preach or minister the sacraments, except they were thereto admitted by the Ordinarie or Bischopp under no lesse paine then death.'—(Hist. of Estate of Scot. 1558-60, in Miscell. Wodr. Soc. vol. i. p. 56.) There is no better authority for this relation than a bad MS. of the year 1663. It seems to be open to suspicion on other grounds.

Page 177, no. 296. *Ane Godlie Exhortatioun maid and sett furth be the maist reuerende father in God Johane Archbischope of Sanctandrous, Primate of Scotland, Legat, etc., with the auyse of the Prouinciale Counsale, haldin at Edinburgh the secund day of Marche, the yeir of God ane thousand fyve hundreth fifty aucht yeiris, etc.*

Compare statute 277, p. 165.

Exhortation to be read in churches before the Communion.

The Exhortation was meant to satisfy one of the demands made in the Articles sent to the Queen Regent by certain temporal lords and barons, and by the Queen Regent remitted to the Provincial Council (p. 148).

'The Twopenny Faith.'

It is obviously to this Exhortation that Knox refers when he tells that the Provincial Council of 1558-9, 'that thei mycht geve some schaw to the people that thei mynded reformatioun, sparsed abrod a rumor thairof, and sett furth somewhat in print, which of the people was called *The Twapenny Fayth*.'—(Hist. Reform. Scot. vol. i. p. 291.)

Archbishop Spottiswoode, mistaking the Exhortation of the Provincial Council of 1558-9 for the Catechism of the Provincial Council of 1551-2, applies the name of the Two-penny Faith to the latter.—(Hist. Ch. Scot. vol. i. p. 182.)

Page 229, line 2: *Incipiunt Canones Adomnani.*

Colgan has confused the 'Canones Adomnani' with the 'Cain Adamhnain,' and Dr. Lanigan seems to follow in the misapprehension: 'B. Colga abbas Luscanus in Lagenia . . . subscripsit Synodo cuidam in Hibernia per S. Adamnanum anno 695 vel 696 coactæ, cuius acta penes me extant: Et *Cain Adhamnain*, id est *Canones Adamnani* appellantur.'—(Acta Sanctorum Hiberniæ, t. i. p. 382; Eccl. Hist. Irel., vol. iii. pp. 136, 139, 140.)

But the 'Cain Adhamnain'—the 'Lex Adamnani' or 'Tribute of Adamnan'—was an ordinance freeing women from military service, and, except the name of its author, had nothing in common with the 'Canones Adomnani,' which

treat only of unclean food.—(Dr. Reeves' Adamnan's Life of St. Columba, pp. l.-lii., 179.)

The 'Cain Adhamnain' is preserved in a MS. in the Burgundian Library at Brussels. Among the chiefs who are named as consenting to its enactment, is Bruide Mac Derili, King of the region of the Picts, 'Bruide Mac Derili ri Cruiten tuaite.' It has been transcribed for publication among the Ancient Laws and Institutes of Ireland.—(Parl. Pap. sess. 1864, no. 192, p. 18.)

Page 229, Can. Adomn. I: *Maritima animalia ad littora delata . . . sumenda sunt sana fide.*

'Pisces licet comedere, quamvis mortui inveniuntur: sicut quibusdam placet, non manducentur.'—(Theodori Arch. Cantuar. Lib. Pœnitent. cap. xxxi. § 15: cf. Confess. Eegberti Arch. Ebor. cap. 38; Mr. Thorpe's Anc. Laws and Inst. of Engl. pp. 296, 358.)

Page 229, Can. Adomn. II: *refutanda sunt ut morticina.*

'Qui manducat carnem inmundam, aut morticinam . . XL. dies pœniteat.'—(Theod. Arch. Cant. Lib. Pœnitent. cap. xxxi. § I: cf. Du Cange, *v.* 'Morticinium.')

Page 229, Can. Adomn. III: *a bestiis capta animalia et semiviva, bestialibus hominibus sumenda sunt.*

'Qui manducat carnem . . . dilaceratam a bestiis, XL. dies pœniteat; si necessitate famis cogente, multo levius.'—(Theod. Arch. Cant. Lib. Pœnitent. cap. xxxi. § 1.)

Page 229, Can. Adomn. V: '*Carnes suillæ si morticinum comedent crassæ vel pingues . . . refutandæ sunt. Cum vero . . . ad pristinam maciem reversæ, sumendæ sunt.*

'Si porcus vel gallina manducaverit de corpore hominum, non manducentur . . . Alii dicunt, quod liceat eos manducare postquam macerentur.'—(Theod. Arch. Cant. Lib. Pœnitent. cap. xxxi. § 20.)

Page 230, Can. Adomn. VII: *Sues carnem vel sanguinem hominis gustantes inliciti sunt et reiciendi semper.*

'Si porci carnem morticinam ederint, vel sanguinem humanum gustaverint, non abjiciendos esse credimus; tametsi nondum licebit eos comedere, donec mundi sint.'—(Confess. Ecgb. Arch. Ebor. cap. 40.)

'Si porcus . . . de corpore hominis ederit, vel sanguinem ejus biberit, occidatur animal, et detur canibus.'—(Pœnitent. Ecgb. Arch. Ebor. cap. 57; Mr. Thorpe's Anc. Laws and Inst. of Engl. p. 384.)

Page 230, Item Adompnanus: *prohibet medullas ossium cervorum manducari, quos lupi comederunt.*

'Animalia quæ a lupis seu a canibus lacerantur, non sunt comedenda, nisi forte ab hominibus adhuc viva occidantur prius.'—(Theod. Arch. Cant. Lib. Pœnitent. cap. xxxi. §§ 9, 12: cf. Pœnitent. Ecgb. Arch. Ebor. Lib. IV. capp. 28, 29; Mr. Thorpe's Anc. Laws and Inst. of Engl. pp. 296, 380, 381.)

Page 234, line 12: *clausula de foresta, quæ in fine ponitur instrumenti.*

The charter of Walter Fitz Alan here cited, is printed from the original in the Liber de Melros, t. i. no. 66, pp. 55, 56: cf. nn. 67, 73, pp. 56, 57, 63, 64.

Page 236, LIB. III. TIT. XXX. . . . CAP. VIII.

Cf. Decretal. Alex. III. tit. XXXV. cap. II: 'Vt religiosi ex prædiis conductis soluant decimas.'

THE END.